

## A Global Forum on Fighting Corruption: Safeguarding Integrity Among Justice and Security Officials

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# Conference Papers

## OPENING SESSION REMARKS

**Jeremy Pope, Transparency International**

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We must never forget the face of human tragedy that can, and often does, lie behind the facade of corruption. The villagers in Nigeria who died when outdated and re-labeled drugs were sold to their Health Ministry. The hemophiliacs in Japan who now have AIDS after untreated blood was imported. The child beaten at school this morning for failing to bring "tips" to his teacher. The mother forced to watch her child die as she could not find the money to bribe the health provider.

Where were their protectors? Too often, they were those who themselves take bribes and extort from the populations they are sworn to protect. That is a situation which this Forum has to confront and change.

This reminds us that the issue of corruption is much too important for us all to be able to leave to governments. It also reminds us that all of us are victims, or potential victims, of the processes we are here to help combat. It reminds us, too, of the solemn responsibilities of everyone in this room.

There can be no other issue in today's world that so unites the richest of the US multinational corporations with the poorest peasants in rural India. Corruption threatens and diminishes us all. Even those who seem to gain must live, increasingly, with the risk of detection and a final day of judgement -- in the press if not before the courts -- even before they meet their Maker.

Our organisation, Transparency International (TI), was formed some six years ago at a time when a meeting such as this would have been inconceivable. The thought of sharing a table such as this would have been too bizarre even to contemplate. There was an absolute taboo against discussing the topic, in private sector circles let alone in official **fora**. The subject was just too delicate and too embarrassing to mention. It was a question of "culture"; of people doing things differently abroad. The Europeans were too moral to countenance corruption, but were driven to accommodate the demands of less scrupulous societies.

The World Bank was just one of the many who felt that it was a topic that was off limits. The word "corruption" could not even be uttered -- instead it was the "C" word. TI was mad, bad -- and dangerous to know.

How the world has changed since those comparatively recent days! TI has blossomed to have over 70 national chapters around the world, in every continent and in countries great and small. The number grows quite literally by the month. Under the leadership of a number of key actors -- our Chair, Peter Eigen; Olusegun Obasanjo of Nigeria; Oscar Arias of Costa Rica; Jim Wolfensohn, happily now of the World Bank; and feisty members of US administrations to name but a few -- a grand global coalition has been forged. One which brings together governments, development agencies, international agencies, the private sector and civil society in a powerful movement the likes of which has seldom, if ever, been seen.

This coalition has begun to embrace many countries, north and south, east and west -- developing and extending systems of governance, building popular support for reform efforts, and creating a climate of confidence that the problem can be tackled effectively.

This is not to say that there have not been failures. There have been, and we must learn all we can from these. Success is slow, and at first difficult to identify. But this we must learn to do this if we are to be able quickly to learn and put to good effect the lessons of best practice.

But among successes to date the OECD convention, designed as it is to confront and contain transnational bribery of foreign officials, stands supreme. Transparency International and the ICC worked tirelessly in building support for these efforts: as I am sure Maria Cattai will say this afternoon, her organisation and our own will continue to support it through the processes of ratification and implementation. There is much too much at stake for any of us to relax, as this is the most determined effort ever made to counter the supply side of corruption. We will monitor its impact through surveys in emerging markets; we will continue to work to gain greater private sector support; we will develop integrity standards for corporations to "brand" those who achieve them; and we hope to participate in building a web site to promote interaction about the Convention's effects.

The OECD, too, has much to do and it is essential that governments equip it properly to undertake the analytical work essential if the laws and procedure introduced by individual government are to be professionally adjudged and rendered most effective. Too many conventions in the past have become worthless pieces of paper, and there is simply too much at stake for us to risk failure. Governments must supply what the OECD needs.

We must be always mindful of those who would like to see our efforts fail. And mindful, too, of governments being cautious of imposing more demanding legal regimes on their own corporations than those imposed by others on those corporations' competitors. Corporations will watch carefully to see if they are being asked to restrict their practices in ways which their competitors are not. The active participation of the private sector, civil society, bar associations and the like can help build confidence and to reinforce what must become irresistible progress. The inclusion of a monitoring mechanism in the Convention is admirable: what remains is to ensure that all can participate.

At the end of the day, too, we must have effective international criminal assistance arrangements. This will mean that we will have sufficient faith in the integrity and fairness of each others' judicial systems as to be prepared to deport our own citizens to stand trial abroad where this is warranted. This, too, is a state of affairs to which we look for this Forum to contribute towards.

In the meantime developed countries have the problem of unanswered requests for the extradition of those wanted for trial for grand corruption. They also hold huge sums of public moneys literally looted from countries in transition: Is this simply to be returned to be recycled through corrupt institutions -- and subjected to further looting by further officials? Or can we devise ways to ensure that the money seized goes back to serve the people, as it should?

But as well as the supply side of bribery, the demand side, too, must be addressed. Demanding bribes must become a high risk, low profit undertaking - not the high profit low risk it is today. The most effective and most cost-effective approach will be one of prevention. Every prosecution represents a failure of prevention, and so it is crucial that the lessons for prevention learned by the investigators and prosecutors be shared and acted upon. This conference will contribute significantly to these processes.

The OECD convention, of course, marks a beginning, not an end. There is other urgent work to be done. The Inter-American Convention on corruption provides an opportunity for this hemisphere to act collectively, but the failure to provide for monitoring is telling and the whole concept of peer review appraisal faces strong resistance.

This is an indefensible state of affairs, as those who work to undermine the convention can have but one agenda - to entrench corruption. May we all appeal to all the actors to think again and to re-energize a process, which many had hoped, would prove to be a model for other regions of the world to follow. And may we appeal, too, Mr. Vice President, especially to our hosts to ratify the OAS convention and so place itself in a credible position to promote the concept of monitoring.

Other regions are following suit. The Council of Europe has recently concluded its own convention, also with a monitoring mechanism, and this, too, we would ask for support, and particularly for developed countries to provide the resources essential for meaningful reforms in Central and Eastern Europe.

Paradoxically, aid flows have been crippled by corruption, but they must be increased and targeted to counter that very same menace.

As we act we must also be mindful that time is short. Not that we can hope to win this struggle in a brief time-frame. Quite the opposite. The battle will be long, arduous and to a degree never ending. But international fashions come and go. We know, even as we gather here, that the dominant position that corruption presently enjoys on the international agenda will not last indefinitely.

To maintain its position we must overcome the apathy, the cynicism and the denial which have previously rendered it impossible to confront the issue, and we must demonstrate that real and sustainable progress can be made. We are still far from this point. Should cynicism return, other issues will eclipse our own and take its place on the international agenda. There is, again, too much at stake for us to allow this to happen.

Mr. Vice President, I began with Nigeria. Let me also close with that potentially great country. On Saturday there will be a new and elected president, its first since the overthrow of President Shagari some fifteen years ago. Since then the country has been ravished by corruption as few before it have ever been. The task confronting the new administration will be daunting. Nigeria will need all the help it can get, and we must all see that it receives this.

But only Nigerians will be able to remedy what is wrong with their own country. As elsewhere, the international community can and must support and help, but to be effective the drive, the will and the commitment must all come from within.

Let us also ensure that the international community does not tire in its efforts, as it has elsewhere, and leave the processes unsupported when the job is half done. If history is to judge us as being serious, we must learn to stay with transition processes and to support them until institutions are firmly in place and operating effectively.

Mr. Vice President, as you observed in your challenging keynote address, a world in which corruption is properly contained within a framework of the rule of law and the respect of human rights is a world most likely to be at peace and to be one in which all people everywhere will ultimately become free to develop and realize their full potential as human beings. This vision should inspire us all.

Finally, Mr. Vice President, Transparency International would join in congratulating you on your timely initiative in bringing this gathering together and is most grateful for the opportunity to address you all.

Washington  
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**A Global Forum on Fighting Corruption: Safeguarding Integrity Among Justice and Security Officials**

**STRATEGIES FOR MAKING CORRUPTION VISIBLE**

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**GLOBAL FORUM ON FIGHTING CORRUPTION  
AND SAFEGUARDING INTEGRITY  
AMONG JUSTICE AND SECURITY OFFICIALS**

**DEPARTMENT OF STATE**

**WASHINGTON, D.C.**

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Thank you Professor Godson and may I extend my thanks to Vice President Gore for his wisdom in planning this conference at such a timely moment and for bringing together such articulate and dedicated participants. It has been an honor for me and for Transparency International to take part in this event.

The excellent presentations we have heard this morning bring the importance of Strategies for Making Corruption More Visible to life. They illustrate what the Vice President had in mind when he said at last year's APEC meetings, "Forget the gold standard--today's economy operates on the information standard." He knew that democracy operates on the information standard as well.

This panel focuses our attention on the role of those outside the government, such as the media, educators, and civic groups, in using information to combat corruption. The inclusion of this discussion at a conference on the role of justice and security officials may seem puzzling to some, but it is an important acknowledgment that government officials cannot solve the problem of corruption alone; they must act in collaboration with non-governmental stakeholders.

It is also a recognition of the power of information in fighting corruption. Corruption must be made more visible in order to attack it; at the same time, government information must be made more transparent in order to prevent it.

These two principles, the need for collaboration and the importance of information are central to the work of Transparency International. They have guided the anti-corruption movement and contributed to its success to date; they will play a central role in maximizing the window of opportunity for meaningful reform that is now open.

## I. The Need for Collaboration

Let me talk first about collaboration. Over the past two days, we have discussed the limited success of traditional reform efforts which rely on legal reform alone. We know that corruption persists despite a wealth of existing anti-corruption laws and regulations already on the books. While in some cases new laws may still be needed, such as for curbing the supply side of bribery or ending bank secrecy, as the honorable Philippines head of delegation indicated yesterday, the basic problem is that laws are not adequately prosecuted or enforced. As this conference clearly demonstrates, more needs to be done to develop trained, independent prosecutors who will bring cases and independent judges who will convict violators.

However, their success will depend, in turn, on the society in which they operate. While there must be political leadership from the top, there must be broad-based public pressure and public support for leaders who confront those with a vested interest in maintaining the status quo. There must be public support from business, labor, educators, religious leaders, and others if there is to be sustainable, systemic change. As Dr. Veena Das so eloquently said yesterday, democracy depends on the will of the citizens for its legitimacy.

## II. The Role of the Press

Information is key to mobilizing this support, and the media has been in the forefront making important information available to all of us. It has played a key role in putting a human face on corruption, highlighting abuses and the suffering that results when resources are diverted from basic needs. Last week, for example, the New York Times reported on families in Georgia left without heat if they did not pay bribes to get a second electric line.

Reporting on corruption scandals has exposed malfeasance, raised public awareness, and enraged public opinion. However, while public outrage has led to the ouster of top officials in the short term, maintaining

the momentum for systemic reform has been more problematic. There are several reasons for this.

One reason is that journalists generally favor "breaking" news. There was a blizzard of press coverage in the wake of the Asian economic crisis describing the contribution of corruption and crony capitalism. This caused an immediate reaction among investors and donors and, in the short term, commitments from borrowers to improve governance. As time passes and the press focus turns elsewhere, however, there is concern that commitments to governance will not be honored.

Collecting evidence in corruption cases takes time and skill. The press may be caught in a catch-22, where to prevent publication of unfounded rumors, the government demands that allegations of corruption be substantiated before they are published. But, since the allegations concern practices which are, by definition, secret, proof is often difficult to obtain.

In-depth coverage may be inhibited by the threat of expensive libel suits and fear of physical intimidation or even murder. There must be enforceable protections for journalists, publishers, and sources. We might consider how this conference could support a global network to highlight these difficulties and provide protection.

On the other hand, the press itself must be responsible and free from corruption. The public must be able to rely on fair and impartial reporting that is not tainted by the political loyalties or financial interests of the media owners.

But this should not be a pretext for stifling publication of unflattering information. We have struggled in the US to set standards for how far journalists may go in printing allegations and have developed case law that permits greater press scrutiny for those who enter public life than for private citizens. This has not always pleased those in public life, but it has served our citizens well.



Nonetheless, journalists should be well-trained in investigative techniques and standards of professionalism to avoid such charges. The World Bank and NGOs already conduct such training programs and they should be expanded.

The potential of the press to be a catalyst for reform extends beyond local borders. With global communications, local stories are often covered by outlets that reach an international audience, increasing external pressure for change. Press coverage of corruption in Russia and Indonesia, for example, has had a profound impact not only within these countries but on the donor and investor communities as well. This has led to greater external pressure for systemic reform which, in turn, adds impetus to existing local demand for reform.

The press can also play an important role in moving politicians to do the right thing. In the US, for example, when implementation of the OECD Anti-Bribery Convention appeared in doubt, NGOs alerted the press, which quickly turned the spotlight on those who might otherwise have derailed the process. Not wanting to appear as opposed to anti-bribery reform, legislators overcame their differences and passed the implementing legislation.

### III. The Role of NGOs

There is, of course, the place where the role of the press ends and the role of civic groups takes over. Press coverage may lead to outrage but negative news coverage of scandals can also feed skepticism and doubt that the system can be changed. Moreover, the press does not generally delve into what systemic failures caused the particular scandal and what remedial steps must or are being taken.

At this point, there is a role for civic groups like Transparency International and many others. I commend your attention to the list of NGO participants; they have contributed immeasurably to this effort.

They are our partners and your allies. They are collecting and disseminating information to deepen understanding and enable stakeholders to develop a road-map for action tailored to local conditions.

We have heard some good examples from my colleagues on the panel. TI chapters have also used information to raise awareness in creative ways, from national anti-corruption days in Morocco, to theatrical presentations in Uganda, to public hearings on contracts in Argentina.

TI is perhaps best known for the TI Corruption Perception Index. Ranking the perception of corruption in 85 countries, the Index has generated widespread press attention and raised public awareness about the prevalence of corruption worldwide. I am pleased to say that it has also stimulated action. Many in the private sector refer to the Index before determining whether to invest or trade with a particular nation. Donors have factored its findings into decisions and, while several governments have objected to the basis for, or, bias of, the CPI, some have determined that the best response is to act promptly against corruption.

With the entry into force of the OECD Anti-Bribery Convention, TI is now turning its focus to the exporter side of bribery. It is developing an index which will assess the relative contribution by supply side countries to corruption. TI also recognizes that applying a ranking to countries may be useful for comparative purposes but more is needed to generate internal reform. In the future, we will explore further working with the World Bank and others on country surveys, particularly of sensitive sectors of the economy and key institutions, differentiating between national, state, and municipal levels of government.

Some TI chapters have already found that survey results can have an immediate impact on behavior. In his opening remarks, the Vice President referred to the work of Poder Ciudadano, the TI Chapter in

Argentina, which published survey information on the relative costs of school lunches and of hospital supply purchases in different jurisdictions. As a result, prices dropped precipitously.

TI has developed another important information tool, the TI Sourcebook which provides a wealth of information on the elements of an Integrity System. It is available on **TI's website** and in several languages. It has been adapted to local customs and legal frameworks by TI chapters, and used by civic groups, public officials, and donors as the basis for the assessment and design of local anti-corruption programs critical to the sustainability of future work.

TI chapters are using surveys and the press to encourage their governments to comply with commitments made in multilateral agreements, such as the OECD and OAS anti-corruption conventions. Chapters are already following the monitoring process and publishing their findings in the press and on the web. They will do more in the course of a new partnership with the OAS that will monitor progress and publish information about the extent of implementation of the OAS Convention on the web.

The ICC and bar associations are also playing a central role in promoting implementation of these conventions by briefing the private sector on compliance with the new rules of the game.

In his opening remarks the Vice President underscored the importance of the monitoring process to the implementation of these conventions. He asked us all to consider how to supplement that process with an Internet-based reporting device and how to involve citizens and business people in the process. We welcome this invitation and look forward to working with the Administration and others to develop an effective and accessible instrument.

#### IV. The Role of Government

This discussion about the importance of information would not be complete without turning our attention to a critical player e.g., the role of the government in making information available.

Meaningful citizen oversight of government operations depends on having adequate information. In 1994, the leaders meeting at the Summit of the Americas in Miami recognized this fact. It is time to ensure that all governments are taking the following basic actions:

- Government agencies should publish budgets and other routine information promptly and predictably so that citizens can provide meaningful oversight.
- Governments should provide a right to request information not regularly available. Freedom of information and sunshine laws from different jurisdictions should be collected and published widely.
- Government should hold public hearings and receive written submissions.
- Governments should publish laws, regulations, and judicial decisions and make them accessible. This will provide greater predictability and reduce official discretion to demand bribes.
- Parliaments should consider establishing web sites and posting existing and draft laws on them. An e-mail link could enable citizens to comment directly on proposed laws and policies.
- As Justice Breyer emphasized yesterday, assets of leading public officials and their families should be published and monitored annually to determine if there are increases that cannot be explained.
- As we heard from the US Office of Special Counsel, if we are to secure information, there must be protection from retribution for those who

provide information about corruption, whether whistleblowers within government or the media.

- Finally, the government should provide a hospitable environment for NGOs advocating anti-corruption reform. In light of the historical role of non-governmental organizations in some countries as part of the political opposition and in light of the misuse of allegations of corruption to unseat ruling parties, advocacy organizations, particularly those involved in fighting corruption can find it difficult to operate. For their part, NGOs have a responsibility for accountability and good governance and to avoid charges of partisanship.

If we take these steps together, if, as the Vice President said, "we use the tools of our newest technology in the service of our oldest values," we will together maximize the window of opportunity that is now open.

Thank you.