

11. Bilateral Cooperation, Agency-to-Agency Agreements/Understandings

Numerous agencies of the United States Government have elements in their programs or activities that involve bilateral cooperation on an agency-to-agency basis with foreign counterpart institutions. Many of these relationships include activities that directly contribute to and further the overall U.S. international strategy against corruption. Some of these activities are undertaken by such agencies with assistance from training or other funding provided by foreign assistance programs administered by the Department of State or AID. Others are carried out by the agencies concerned in conjunction with their implementation of their agency mandates. The following is a selection of those activities that have been identified in the preparation of this first international strategy against corruption.

A. United States Office of Government Ethics

The U.S. Office of Government Ethics strives to contribute its expertise and knowledge to the global struggle against corruption. OGE fulfills a highly specialized and unique mission in upholding the integrity and efficiency of the Government, as the principal U.S. Government agency responsible for preventing conflicts of interest and employee misconduct in the Executive Branch of the Federal government. Many countries have made strides in developing capabilities for the investigation and prosecution of illicit activity and official misconduct, but few have developed administrative systems designed to prevent corruption in the same manner as OGE.

In response to requests from countries around the world, OGE has engaged in a number of bilateral exchanges and cooperative assistance efforts to share information on the anticorruption systems it administers. OGE technical assistance emphasizes describing separate program components and how they fit into an articulated and multifaceted approach to communicating and upholding standards to which public servants must adhere.

OGE has been especially active with countries that have approached OGE with particular concerns. One of the most productive relationships OGE has shared has been with the National Office of Public Ethics (ONEP) of Argentina, recently established by the Argentine government. OGE is working closely with ONEP officials to further the development of that office. ONEP visited OGE in March 1998 to observe the ethics program within the United States Executive Branch and the systems OGE administers. The two signed a Memorandum of Understanding (MOU) in May 1998, under which consultation and information exchange has continued. The MOU serves as the framework for a more formal and direct relationship between OGE and ONEP. The provisions of the MOU establish the basis for regular exchange of information regarding ONEP's development and implementation of programs and regulatory mechanisms; the sharing of technical expertise on transparency systems, with special regard to procurement matters; the training of ONEP personnel and government officials and employees; the sharing of official publications; and sharing information and experiences

gained in different international fora, conferences, meetings and other forms of exchange with partners in anticorruption activities.

OGE has participated in a number of exchanges and official visits with the Ministry of Supervision, the agency responsible for controlling corruption in China. Corruption has become a central topic within China, and a recognized threat to its political institutions, leading Chinese officials to welcome increased bilateral cooperation. OGE participated in a senior level delegation of officials from the Office of the Inspector General of the Department of State in a 1997 visit to Beijing. The delegation met with senior Ministry of Supervision officials to discuss anticorruption developments in China and means of bilateral cooperation between the governments. OGE then hosted a delegation from the Ministry of Supervision for a series of briefings on OGE programs and the Executive Branch ethics system as part of the Ministry's continuing interest in rule of law and anticorruption reforms. The delegation expressed interest in learning about financial disclosure and whistle blower protections, along with OGE's role in overseeing a large, decentralized ethics system. OGE and the State Office of Inspector General have made arrangements to send a delegation to Beijing in March 1999 to hold further discussions with officials of the Ministry of Supervision.

In 1996, OGE sent a delegation to Cairo, Egypt, to provide technical briefings and assistance to the Administrative Control Authority (ACA). These briefings covered OGE's various programmatic functions, including financial disclosure, education and training, guidance and interpretation and program evaluation. The ACA made two additional visits to OGE for further consultation and training.

OGE actively engages in bilateral cooperation with foreign governments by serving in interagency delegations abroad. In 1997, the Deputy Director of OGE served on a delegation to Ukraine to observe investment climate issues in that country. OGE officials have participated in interagency delegations travelling to Russia and Bulgaria to discuss anticorruption efforts targeted at economic and financial crimes.

In a third form of bilateral cooperation, OGE sent a senior official on temporary detail to the Parliament of South Africa in 1996. The OGE official helped implement a system of financial disclosure for that body, and continues to provide consultation on ethics matters for that country.

B. Federal Bureau of Investigation

The FBI International Cooperation Unit conducts bilateral in-country training courses entitled "Internal Controls" and "Public Corruption." Course descriptions are as follows:

"Internal Controls" - Provides training on how United States law enforcement agencies deal with corruption within their ranks. The course is designed to acquaint foreign police officers with techniques utilized by

the FBI. Topics may include: public corruption, police ethics, legal aspects of internal investigations, interview and interrogation techniques, and inspection matters.

“Public Corruption” - Provides training on the complex issues involved in the investigation of corrupt public officials. Topics may include: overview of U.S. laws pertaining to public corruption, techniques to manage public corruption in law enforcement, regulatory agencies, and the judicial and legislative branches of government, development of intelligence bases, recruitment of cooperating witnesses and confidential informants, initiation of/support for public corruption investigations, case studies/presentations.

In 1998, the FBI, with financial support from the Department of State, presented these courses in Bulgaria, Kazakhstan and Russia. The FBI also carries out training courses with support from the Department of State’s Anti-Terrorism Assistance program; in each such course, a minimum of four hours is dedicated to Ethics training. In addition to these specific courses, the FBI attempts to instill the concept of integrity in all courses which it offers to both domestic and international official trainees.

The FBI Office of Law Enforcement Ethics (OLEE) was created in 1996. Based at the FBI Academy, Quantico, Virginia, the OLEE conducts training in ethics for basic and senior managers in the law enforcement community. Its goal is to instruct law enforcement in building a more aware and accountable workforce. Since its inception, the OLEE has provided ethics training to more than six thousand local, state, Federal and foreign law enforcement officials. International activities in 1998 included several sessions of instruction at the ILEA/Budapest; presentations on ethics in law enforcement to senior and midlevel Jordanian police executives during a seminar at Quantico; a three-day presentation on internal controls, corruption and ethics to Mexico City District Police officers; ethics instruction to Royal Canadian Mounted Police and Regina Police Service during their Law Enforcement Corruption and Internal Controls conference in Canada; an overview of the OLEE curriculum was presented to MVD Academy Directors from Russia.

The FBI’s Public Corruption Unit has been assigned responsibility for violations of the Foreign Corrupt Practices Act involving unlawful influence and attempted corruption of foreign government officials by U.S. citizens. The Public Corruption Unit has established training modules addressing a pro-active approach to fighting corruption, which have been offered to domestic state and local law enforcement officers, and could be offered to foreign law enforcement in the future. Training modules are available in: early warning signals, undercover techniques, personnel practices, integrity testing and case studies.

C. Department of Justice

In addition to its contribution to United States diplomatic initiatives and activities discussed above, the Department of Justice provides grant funding to the criminal law component of the American Bar Association's Central and East European Law Initiative (CEELI), which is financed by funds under the Support for East European Development and Freedom Support Acts. The CEELI program provides assistance and training for Newly Independent States and Central and Eastern European countries to complement Department of Justice programs implemented through the Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT). Through its Criminal Law Liaisons or visiting U.S. judges and other criminal law experts, CEELI addresses public integrity and corruption, among other important topics, as it trains foreign judges and defense attorneys; assesses and provides commentary on draft criminal legislation; and produces papers at the request of legislators and policy makers that describe how the United States addresses crime problems.

Largely with funding from the Department of State and USAID, the Department of Justice's International Criminal Investigative Training and Assistance Program (ICITAP), and OPDAT, have provided training and institution-building assistance targeted toward public integrity and curtailing official corruption in Albania, Bolivia, Bosnia, Colombia, Croatia and Eastern Slavonia, El Salvador, Guatemala, Haiti, Latvia, Moldova, Panama, Poland, Russia and Ukraine. Similar activities are planned for Georgia, Hungary, Kazakhstan, Kyrgyzstan, Liberia, Romania and Uzbekistan.

D. Department of the Treasury - Financial Crimes Enforcement Network (FinCEN)

A significant element of anticorruption activities undertaken by FinCEN is working with other nations to formulate and implement effective anti-money laundering regimes. FinCEN heads the U.S. delegation to the Financial Action Task Force (FATF), the primary multilateral anti-money laundering policy development body. The FATF 40 Recommendations promote transparency and accountability in the financial sectors of 26 member jurisdictions. They provide a model for anti-money laundering initiatives, which are implemented with the assistance of a mutual evaluation mechanism for assessing compliance with these internationally recognized standards. FinCEN works to encourage governments throughout the world to adopt these standards, and to take part in regional FATF-like bodies (e.g. the Caribbean Financial Action Task Force, the Asia Pacific Group on Money Laundering).

FinCEN contributes to anticorruption aspects of United States participation in multilateral financial institutions and organizations as the proponent for anti-money laundering initiatives in support of good governance, and to support adoption of international accounting standards to strengthen transparency and accountability.

On a bilateral basis, FinCEN provides and coordinates technical assistance and training to countries that are taking steps to enact or implement anti-money laundering initiatives. FinCEN assists in the creation and development of central organizations

responsible for collecting, analyzing and disseminating financial information related to potential money laundering violations. This affords a centralized mechanism for tracking and analyzing criminal proceeds, collecting investigative and prosecutorial data. These Financial Intelligence Units, already operating in 38 jurisdictions, promise to contribute effectively to combating money laundering and corruption.

E. U.S. Customs Service

The Customs Service has provided bilateral consultation, advice or training in efforts to reform or modernize customs administrations to reduce or eliminate the potential for corruption, or to promote integrity of customs officers, activities and institutions, to Peru, Mexico, Latvia and Russia, and is scheduled to provide similar training in Colombia, China and Poland. Customs participates in a regional initiative by the Asia-Pacific Economic Cooperation Forum (APEC) Subcommittee on Customs Procedures to develop a code of conduct for customs administrations and their officers. Customs has given training courses on anticorruption issues in the Caribbean under the auspices of the Customs Caribbean Law Enforcement Council. Internationally, the World Customs Organization, of which Customs is the United States member, in 1993 approved a declaration on integrity in customs known as the Arusha Declaration. The World Customs Organization is developing specialized training courses for customs administrations which require assistance to fight corruption.