

Specialty Session: Non-Governmental Organizations

February 25, 1999

Moderator: Frank Loy, Under Secretary for Global Affairs

Purpose: To begin a dialogue between governments and NGOs on corruption and rule of law, and to discuss how governments and NGOs can work together on these issues.

Findings: As representatives of civil society, NGOs are integral players in the fight against corruption. There is a wide range of NGOs with an interest in anti-corruption efforts—from those working directly on the issue to human rights organizations, business and professional associations, and academic organizations. These groups need to work together and with governments to strengthen anti-corruption policies and legislation, educate the public, and help shape and inform debate within countries and internationally.

In many cases, NGOs have been fighting corruption longer than governments or businesses. It is clear that at this Forum, we did not fully exploit the NGO presence. As governments create strategies for combating corruption, we must seek to incorporate the views and experiences of NGOs from the beginning. NGOs can and do play many roles in fighting corruption. They broaden public interest and bring together interested parties and experts with government officials to discuss particular issues. They help governments design legislation and programs to implement domestic strategies and international conventions. They help make government and society more transparent and accountable, and create an environment in which fraud and corruption cannot thrive.

Participants suggested a number of concrete ways in which governments and NGOs can work together to fight corruption. We can work together to make information about government more accessible to the public. NGOs play a key role in collecting and disseminating on what legislation exists, and how it is being implemented, on responsible government officials, and issues that need to be addressed. We can work together to promote, create, and implement independent audit organizations, whistleblower laws, and other mechanisms designed to hold government institutions accountable. We can work to create government and business standards, which both serve as a measure of an organization's commitment to corruption and help create a process within organizations for addressing corruption and ethics issues. And we can work internationally to share and compare experiences on what strategies have been effective in fighting corruption and promoting the rule of law. In exchanging information among our peers, NGOs and governments will be able to increase and improve ideas for addressing specific problems.

Finally, NGO participants highlighted an important warning as we close this Forum: to talk about this issue, to admit our shortcomings and confess that we struggle as governments and societies with corruption, is a good first step. However, if we do not follow this step with concrete action, it will only serve to increase public cynicism, and to undermine the rule of law we seek to promote.

Panel Participants:

Frank Loy, USA

Stuart Deming, USA

Joe Onek, USA

NGO and government representatives from Argentina, Australia, Austria, Costa Rica, Côte d'Ivoire, the Czech Republic, Georgia, India, Indonesia, Latvia, Romania, and the United States.

Legal Frameworks and Enforcement Authorities, Thursday, February 25

Moderator: Eric Holder, Deputy Attorney General. Participants: Sang Cheon Park, Minister of Justice, Korea; Vasyl Durdynets, Director National Bureau of Investigation, Ukraine; Philip B. Heymann, Harvard University

Mr. Holder began the session by providing an overview of the key role played by the legal system and law enforcement agencies in combating corruption. When they are themselves corrupted, it creates a "ripple effect" that can challenge the political and economic foundations of a society by undermining citizen trust in the government.

Mr. Holder noted that a comprehensive program to reduce official corruption would include merit-based hiring and promotion, adequate salaries, deregulation, internal check and balances, and transparency. However, to be successful, such a program must include criminal law enforcement measures. The cornerstone of a successful fight against official corruption is a government's political will to prosecute corrupt officials, including judges and policemen. This is never an easy task given that there are often personal relationships involved and poses special challenges because of "codes of silence" by which law enforcement officers are discouraged from testifying against one another. However, to preserve citizen trust, and to discourage a climate of corruption in the society at-large, prosecutions must occur.

Minister Park said corruption in Korea had contributed to the country's financial crisis. The new Korean Government had made fighting corruption a priority and had developed a comprehensive plan to reduce its incidence. One of the keys was for the Government needed to inculcate disapproval of bribery with the public. This would be difficult because the expectation of "gift-giving" was as deeply ingrained with the public as with officials. The Minister noted the importance of international cooperation against corruption and proposed a ministerial to develop joint strategies.

Dr. Heymann said that political will was the key to fighting corruption. Law enforcement agencies needed sufficient powers, organizational structure, and seriousness of purpose to combat corruption. The ideal situation in which to take a bribe was one in which the likelihood of being prosecuted was low, and the moral climate was forgiving. Governments needed to develop tactics that would deter corruption, such as reducing sentences for criminals who will testify against corrupt officials. Transparency was critical because public anger, left to fester, could easily turn into a debilitating cynicism.

Mr. Durdynets said corruption was particularly acute in transitional countries such as Ukraine because economic and political structures were unfinished. Moreover, corruption in Ukraine had deep roots in the country's totalitarian past. Nonetheless, Ukraine had undertaken efforts to reduce official corruption which were beginning to show results. The recent arrest warrant for former Prime Minister Lazarenko was an important symbol of Ukraine's seriousness of purpose. International cooperation had to ensure that criminals like Lazarenko had "no safe haven" anywhere in the world.