

## **4<sup>th</sup> ICAC SYMPOSIUM**

### **International Partnerships: Transforming Words into Action**

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#### **INTRODUCTION/BACKGROUND**

1. International acknowledgement of the evils and dangers of public corruption may be traced to a landmark speech given in 1996 by the President of the World Bank James Wolfensohn. Since that speech, many international agreements have been entered into concerning the need to deal co-operatively with corruption. These began with the Organization of American States' 1996 Inter-American Convention against Corruption, followed in 1997 by the OECD Convention on Combating Bribery of Foreign Officials in International Business Transactions and culminated in the United Nations Convention Against Corruption in 2003.

2. These Conventions provide for international cooperation between signatory parties and their anti-corruption agencies. Corruption issues are now frequent policy topics for international organisations, government agencies, non-governmental organisations and anti-corruption agencies. International meetings and conferences are regular features of the landscape and there seem to be few nations without an anti-corruption agency. Thousands of words on this subject appear in agreements, treaties, aid contracts, conference papers, communiqués, media releases and proceedings of meetings like this one. Often these are very noble words

delivered in good faith with the best of intentions but, as we practitioners are aware, they are still only words.

3. The challenge is now is not so much to get dealing with corruption onto the world's agendas; it is to get the need to take steps against corruption off the agendas and on to the ground running; to move from words to action.

#### **One world**

4. Wolfensohn's 1996 speech is known for advocating international cooperation based on the acknowledgement that we all live in the same world. He said 'Working together is in everyone's interest. There are not two worlds, rich and poor, there is one'. We are linked in so many ways. Regrettably, of course, one way is through corruption and it is a mistake to think that it occurs in some places and not in others.

5. We are greeted every morning with news of overnight corrupt events from around the world. We are reminded that corruption is alive and well in every corner of the globe - from the publicly funded second homes of British MPs to the mandatory 'gifts' for school teachers and hospital staff in Russia and to the political lobbyists in Washington DC. Corruption takes many forms. These represent different manifestations of a problem that faces us all, irrespective of whether we are living in a developed or developing country. For example, a review of the public inquiries conducted by State anti-corruption agencies in Australia over the last year alone reveals corrupt behaviour in categories that will be known to each

one of you. We see bribes to government ministers in return for decisions at one end of the spectrum and low level endemic timesheet fraud that has persisted for years, becoming a way of life, at the other. In between are opportunistic scams in large and small procurements and kickbacks perpetrated either with or without the collusion of public officials. Wherever public power, assets or money affords an individual an incentive and an opportunity without a credible threat of detection and penalty, there can be corrupt behaviour. The names and places may change but, at their core, the dynamics of causation and the principles of prevention policy are the same.

6. Fortunately, these days, the nations of the world are linked not only by corruption but also by their efforts to reduce corruption. In many ways anti-corruption agencies – wherever they are - have more in common with each other than with other institutions in their own national contexts. Their independent character and the fact that many are not part of the traditional legal and constitutional structure make them different from standard law enforcement bodies. Equally, the peculiar and specific nature of corruption and our task in controlling it also makes us distinctive institutions with particular challenges.

7. Corruption mutates and adapts to circumstances as they change. It is as organic and dynamic as the world we live in so that the task of reducing or controlling corruption is one that is never over. The premier of the

Australian State of Queensland made this point when she opened the last Australian Public Sector Anti-Corruption Conference . She said:

“The job of public accountability is never done. You can never rest on your laurels and say ‘Well, we’ve done that now”. You have to constantly, in government, be looking to the next reform, looking to the next area that needs attention. *Looking at jurisdictions around the world to see whether they’re moving, and see whether you can use their ideas to improve your own system*”.<sup>1</sup>

8. The need to look ‘around the world’ for ideas to improve our work, does not only involve arriving at agreements for cross-border co-operation. It requires practical co-operation at a grass roots level. We frequently experience co-operation of this kind at the NSW ICAC. The NSW ICAC does not formally operate beyond the borders of NSW, but, increasingly, the world comes to us – usually in the form of delegations, visitors and invitations to participate in training and conferences. We do our best to accommodate these requests in ways that provide mutual benefits. Our experience is that the benefits are not always found in official delegations but rather in sharing our professional expertise and understanding our work at the operational level.

9. It is in getting to know our counterparts in different countries, in talking to them and in exchanging ideas that we learn new techniques, how

to counteract changing methods of corrupt practices, and, ultimately, how to transform words into action.

### **Best vehicles for action are operational**

10. Before my recent appointment as the fifth Commissioner of the NSW ICAC I had been a state Supreme Court judge at a time when major reforms intended to improve the efficiency of the administration of the judicial system were being contemplated and introduced. At that time, the reformist judges in each state frequently discussed with each other what changes were being introduced and how they were working. We all learnt from each other. Something would be tried in one state and the best parts would be copied in another. Each state acted as an experimental test tube of the country as a whole. Our meetings and discussions were always informal. We had no documented rights or obligations to share our knowledge or experience and no monitoring body to ensure we did so. But reform was in the hands of dedicated and committed professionals and the informal exchange of ideas bore considerable fruit. The same approach needs to be applied to the global struggle against corruption. We need to exchange information and learn from each other at an informal level. We need to exploit the knowledge and experience that separate entities have acquired and to develop and use the trust and friendly relationships that arise out of pursuing the common purpose of combating corruption. We cannot wait for relationships to be formalised by international agreements and we cannot rely on international agreements alone. Of course, international agreements can pave the way for information relating to

particular cases being disseminated to other agencies, and to particular individuals suspected of international corruption being pursued by different agencies in different countries working together. But, on a daily basis, transformation of words into action can best take place by individuals and groups of anti-corruption professionals meeting each other and exchanging information and ideas in a friendly, open and cooperative way. This is far more important than the getting together of figureheads.

11. We all have skills, expertise and knowledge about the challenges of reducing corruption and there are benefits in sharing as well as receiving. Sharing our expertise means first understanding our individual areas of expertise and teaching each other about those things that each of us does best. The benefits are in the doing and my Commission has experienced the benefits of these exchanges and opportunities. In the past few years the NSW ICAC has been able to send some of our most experienced chief investigators to attend the Chief Investigator's course run by the Hong Kong ICAC. While comprehensive training in investigative skills is available to Australian law enforcement officials generally, there are no comparable programs specifically for the roles that investigators have in the ICAC. At the Hong Kong ICAC, our investigators have learned specialised skills and techniques, focused on their leadership positions, that they could not have found elsewhere.

12. Learning that other people face the same challenges as us but have better techniques for dealing with them can help us improve the way we do

things. By the same token it can be just as beneficial to learn that challenges in other countries are different from ours and why people approach them differently.

13. Over the past 10 years the NSW ICAC has been involved in the development and delivery of a post-graduate course on Corruption and Anti-Corruption at the Australian National University. The students in that ANU course are a mixture of international and local Australian students. Usually the international students are public officials or graduate students from south-east Asian countries but also often from the South Pacific, India and African countries. The NSW ICAC sponsors 10 places in the course for NSW public officials most of whom usually come from rural or regional communities in NSW.

14. Each year our teaching staff prepare for the possibility that the understanding and experiences of corruption of such a varied group of individuals will be so divergent that they will find it too difficult to learn together. Each year we are reassured and discover that for example an Ombudsman Commission official based in the highlands of Papua New Guinea will find himself in profound agreement with a local government manager from a small town in rural NSW about the best way to manage conflicts of interest in small communities. Small group or syndicate work during the course can bring together an audit office official from Indonesia with a water management official from coastal NSW or a graduate policy officer from Canberra with an experienced political journalist from the

Philippines. The commonalities between these students and the learning that results from these interactions may sometimes surprise us but it is undoubtedly real.

## **Conclusion**

15. Some will say that international partnering between anti-corruption agencies is not worth the effort, that we are all too different for it to be worthwhile, that we are too busy with our core work, that it is too costly to travel or just all too hard. It is true that sharing our expertise and knowledge is not our first priority in operational terms and must be weighed against pressing needs. But it is possible to find ways to support and learn from each other that are not expensive or onerous. The many forums and international meetings that already exist can be used to run supplementary workshops and meetings of staff. Networks, both electronic and on the ground, can be established to maintain learning opportunities and targeted exchanges of operational staff as well as information about specific topics that can deliver real improvements in the expertise we have in our main functional areas.

16. Finally, as those of you who have ever had to teach anything to someone else will know - the best way to learn something is to teach it. In teaching or sharing our knowledge, we benefit in two ways. We learn simply by communicating our ideas and what we know but we also benefit from the understanding of our own work that we gain by having to reflect on what we do and how we do it. Opportunities for reflection are not

always easy to come by in agencies like ours that are in a large part reactive. By understanding ourselves and our work, by teaching each others about those things that we do best and learning from each other we have the best chance of getting anti-corruption work off the agenda page, out of the meeting room and putting it into action.