



INNOVATIONS FOR SUCCESSFUL SOCIETIES

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KURIS: I'm Gabriel Kuris from ISS with Bertrand de Speville in a lovely Kew garden in the United Kingdom on August 14, 2013. Mr. de Speville, thank you very much for joining us. Could you please tell me a bit about how you got started with anti-corruption work? The reform leaders that we interview often want to know about the backgrounds of the people we talk to.

DE SPEVILLE: *In my case it was Hong Kong, it was the Independent Commission Against Corruption. I was asked to head up that institution in 1992. The convention in Hong Kong from the beginning in 1974 was that the commissioner was always appointed from outside. It wasn't an internal promotion; he was parachuted in from outside. For me it came as a complete surprise. I had not been involved with corruption, anti-corruption, before. So it was a rapid learning curve. But a well-established institution like that gives you a pretty thorough briefing very quickly so you pick it up pretty quickly.*

It was an interesting time because it was approaching 1997. The handover to China was on the horizon. Hong Kong had introduced the provisions of the International Covenant on Civil and Political Rights, the ICCPR, into its domestic law. The Basic Law was virtually complete, that is the constitutional law that China was preparing for Hong Kong. We had to ensure that the anti-corruption law was compatible with both those instruments. So I think that's why they appointed a lawyer. I had been a public service lawyer for some years with the Attorney General there. I was doing the job of Solicitor General at the time.

It was a period of great interest from the community and great concern because the community was worried that the very bad corruption in mainland China would swamp into Hong Kong after 1997 and overwhelm them. So there was great concern in the community that our defenses against corruption were in good order. So there was a lot of reviewing going on of the existing legislation, of our procedures, et cetera, et cetera, to ensure that we were as robust as we could be.

KURIS: Can you talk a bit about the design of ICAC because it seems it became a model for so many different countries. Why was it structured the way it was?

DE SPEVILLE: *It wasn't an original idea of Hong Kong's. Hong Kong, however, had been worried about its corruption problem for many years. Hong Kong, you will recall, you may remember at the time, was with Singapore regarded as two of the most corrupt places on earth. Singapore started to tackle it seriously when Lee Kuan Yew came to power in '59 and set up the CPIB, the Corrupt Practices Investigation Bureau.*

The ICAC came to it later. Hong Kong had studied what was being done in other parts of the region but it came to the conclusion—and this is perhaps the original side of Hong Kong's approach—it came to the conclusion that the three areas of investigation, prevention and education had to work together in a closely coordinated way for the fight against corruption to be effective.

So from the beginning, and the beginning is early 1974, almost forty years ago, they established this institution with that three-part mandate, to investigate allegations of corruption, to prevent corruption happening in both the private and public sectors and to educate the public against the evils of corruption and to enlist its support. That was the three-part strategy, the famous three-pronged

strategy that has been recognized now, I think, universally. If one looks at the United Nations Convention Against Corruption, one can see very clearly those three elements reflected in the convention.

So many countries have adopted that approach since. The key to success in Hong Kong was to create one institution to ensure that those three elements, those three prongs worked together in a very closely coordinated way. Obviously the coordination is made much easier if it is one institution that is doing the coordinating. It is conceivable that the three elements could be done by separate existing institutions, but I'm bound to say that I haven't yet come across an example internationally where that has been a success.

It is difficult to coordinate these three elements by different institutions; I can see that from a practical point of view. Maybe I should spend a moment explaining this coordination. There is an external aspect to it and there is an internal aspect to it. The external aspect—let me give you an example. Supposing that we've investigated the Inland Revenue Department and picked up one of their senior tax assessors who has been taking bribes for a long time from the taxpayers. He has worked there a long time, he is well liked by his colleagues, he is a senior man.

When we have picked him up and taken him to court and he has been dealt with, it is then that the prevention people need to move in. The prevention people need to talk to the Inland Revenue Commissioner and say to him, Mr. Commissioner, this fellow was getting away with what he was doing for a long time, don't you think it is time to have a look at the system that he was taking advantage of, in order to eliminate the opportunities that he had to take advantage of it? The commissioner will be in a receptive frame of mind to that suggestion.

On the educational side you can picture this fellow's colleagues. They are wondering what is going on; they are upset that he is gone. They're nervous. They too are in a receptive frame of mind to get the anti-corruption message. So that is where the educational side comes in. Now you can see what needs to be coordinated; first the investigation, then the prevention and education people working closely at the right time to get the message across and get the procedures changed.

Let me finish this by giving you an internal coordination example. Supposing that we've been carrying out a covert investigation against this fellow for some time—weeks, months. The last thing we want is the prevention boys suddenly taking it into their heads to come marching into the Inland Revenue Department or the educational people to do that. Do you follow?

KURIS: Yes, yes.

DE SPEVILLE: *So the prevention and the education people in our outfit need to be aware that now is not the time to come tramping into the Inland Revenue Department. That is an obvious one. That is the sort of coordination, operational coordination, that is required and why it is therefore more effective to have that coordination done by one institution.*

KURIS: So besides this three-prong approach, how did your experience at Hong Kong shape your understanding of fighting corruption that has been taken elsewhere?

DE SPEVILLE: I think there are a number of practices and policies that are very important. If you've read my little book (Overcoming Corruption: The Essentials) you would have seen that in the last chapter I list—.

KURIS: The pitfalls.

DE SPEVILLE: The pitfalls, the common pitfalls, the mistakes that countries make, not all of them making the same mistakes, but any one of these could be fatal to their attempts to defeat corruption. You will see that one of these pitfalls is the investigating policy. Time and again countries say, "Oh we must go for the big fish" and they target who they think are the big fish. It is a terrible mistake. Time and again what happens is they catch one or two big fish and very soon the public is believing, or it is being led to believe by the opposition, that the people that are being targeted by the anti-corruption body—.

KURIS: Are political.

DE SPEVILLE: Correct, that it is a politically motivated thing; the opposition is being targeted. Now once the public starts to believe that the anti-corruption body is not impartial and independent, then you're going to lose their trust, you're going to lose their confidence. As I say in that book, public support is one of the essentials of success. How can you possibly develop public support if you can't develop their trust? If they believe that you are not impartial and not independent in your approach?

So what follows from all that is that the investigating policy of an institution like this must be: we investigate every allegation of corruption that is brought to us, whether it is apparently small or whether it is serious. Now, the reasons for that approach, again I've set out in my book, but if you want I will repeat for your record, there are five of them.

First of all, if a citizen has screwed up his courage to come and tell you something, if you treat him or his complaint as insignificant, he will never come to you again. You've lost him and you've probably lost all his friends as well. You can't win this fight unless you get good information from the community.

The second reason is that experienced investigators tell me that what at first sight appears to be a minor matter, when they start to look at it turns out to be a much more significant matter. You're being shown just the end of the ball of wool by the complaining member of the public. When they start to tug on it they can end up with a huge affair.

The third reason is perhaps the most important and I've touched on it already, namely that if the anti-corruption body is seen to be picking and choosing what to investigate and what not to investigate, very quickly it will lose the public's trust that it is being impartial and independent.

The fourth reason is—there is a kind of ethical side to it. It is not right in my view that an anti-corruption body should be sending out the message to the community that some corruption matters and other corruption does not. There isn't room for double standards so far as this body is concerned.

The fifth reason is that we know from bitter experience, don't we, that even a small act of bribery can have disastrous consequences. You only have to think of

the fields of security or public health to realize the butterfly effect. So those are the reasons why I believe it is absolutely essential that anti-corruption bodies have an investigating policy that says we investigate every allegation that is brought to us whether it is large or small.

KURIS: So what do you say to an agency that says it doesn't have the resources to investigate all?

DE SPEVILLE: *You know, we never have enough resources, none of us has enough resources. The role of the management of such an agency is to manage its resources. Quite obviously, if what has been brought turns out to be a tiny affair, I'm not going to devote a team of senior guys to look into that. I'm going to say to my most junior investigator, "Look, my boy, you've got half a day to take a look at this and come and report to me what you've found." If he has found nothing, I as the manager take the decision: right, that's it, end of story, no more investigation, close it.*

If, on the other hand, he comes to me and he has unearthed something and it is worthy of attention, then I will get resources into it. I'll either keep him on the job or I'll even bring some of his colleagues into it. That is the practical side of managing the limited resources that we all have. But you raise—and maybe I should deal with this point now—you raise the important question of resources. Time and again, anti-corruption efforts fail for lack of resources. The politicians don't realize that simply putting a law in place and creating an institution with a few souls in it, is not going to solve their problem. They have to put real resources into it. That's just common sense.

Whatever your problem may be, whether it is AIDS or corruption or, whatever, malaria, if you have a serious problem affecting the whole country, you've got to be prepared to put real resources into it. That's a political decision. It's for our political leadership to understand that basic point and then for them to take the decision for which they were elected of how many resources do we allocate to health, to education, to defense, to whatever, to fighting corruption. How serious a problem is it? How many resources?

I'm often asked by the leadership, usually the Minister of Finance, "Well this is all fine and dandy but how much is it going to cost?" It is quite surprising how often you're not asked that question. However, when they do ask it, my reply to them is, look, I can't be specific in dollars and cents or pounds and pence or whatever it is, but what I can tell you from my experience having worked in Hong Kong and abroad, is that as a community you're going to have to be prepared to spend up to half a percent of your national budget, your annual national budget. Not your GDP, your annual national budget.

It is interesting the reaction. Some ministers, finance ministers, sharp intake of breath. How are we going to find that sort of money? That's for you—you're elected to run your country, you've got to decide that. Others say, hmm, not as much as I thought it might be. But the reality that is left there is that you must have sufficient resources. My best guess for the purpose of you, foreign minister of whatever land you may come from, is you're going to have to persuade your colleagues that up to half a percent of your annual budget is going to have to be spent on corruption.

Not much consolation because fighting corruption takes a long time and therefore resources of this order are going to have to be put into fighting corruption for the foreseeable future. But, on the other hand, what we found in Hong Kong, and I think—I can't see why it shouldn't be an experience that other countries follow, namely that as you succeed against corruption, as the economy develops, as therefore government spending develops, you will find that that proportion of half a percent gets less, it gradually shrinks.

In my time as commissioner of the ICAC, it stood at 0.42%. These days I'm told on my last visit there, that it was down to 0.31 or 0.32%, something like that. In other words, very gradually over time, as the fight succeeds, you see the necessary proportion growing slowly less. I don't think you'll ever do away with it entirely. Hong Kong's experience is that they're still getting a steady number of corruption complaints coming in every year. The nature of the complaints changes, they get more complicated, there is no doubt about that.

So there is no sign yet that Hong Kong is going to be able to do away with its ICAC. I suspect it never will simply because we are dealing here with a human weakness and we humans aren't going to change that quickly.

KURIS: Speaking about human weakness, what is unique about corruption? Why does it merit its own agency? We don't have special agencies for murder or—?

DE SPEVILLE: *You do, in this country, as you're probably aware. We do have specialized agencies for various serious crimes. But in my view that's a mistake. Why corruption needs it I believe is because of two reasons. First of all bribery, corruption, is a relative thing. It is not clear-cut like murder or robbery. It very much depends on the community's value and what the law says.*

I think the second reason is that it is a secretive offense. As we all know it is under the table, two contented parties who are making a corrupt bargain, nobody else knows about it. It is very difficult to uncover.

KURIS: There's no body to find.

DE SPEVILLE: *Correct. And the third reason was linked up with the reasons for having the investigating policy that I outlined earlier, namely the information has to be teased out of the community. There is no reason why anybody should come and tell you anything. They're suspicious of the authorities, they don't want to get into trouble, they think corruption is a fact of life they simply have to live with, et cetera, et cetera. So you have to tease it out of the community. That is where the educational side comes in.*

If you remember, the educational mandate is to educate the public against the evils of corruption and to enlist their support. Well that enlisting their support, one of the main objectives of doing that is to get them to come forward and give you information. Whatever information they've got, where they suspect that there is corruption, they should come forward. That is why I think it is this single institution and the need to coordinate the three elements of the strategy that makes it necessary to create this institution specifically to deal with corruption.

Here you have raised another very important point: it is that time and again countries create this institution and then start lumbering it with all sorts of additional responsibilities.

KURIS: Economic crime and—.

DE SPEVILLE: Absolutely. Where I'm working right now, Lesotho is a very good example, where they've got economic crime, theft, offenses of dishonesty, fraud, revenue offenses, cheating the public. They've got a whole host of things in their mandate. Part of my job has been to persuade them that they need to simplify, rationalize their mandate by pruning all these things away and leaving them to the investigative authorities that should be dealing with cancers of dishonesty and revenue offenses, namely the revenue authorities and the police. This institution—I keep emphasizing it—is not an alternative police force. It is not! It is very important to realize that. It is a separate institution because fighting corruption requires certain things best done, in my view, by a single institution.

KURIS: I'm glad you raised the issue of public support because I have to say in all my case studies I have found this to be the primary way that anti-corruption agencies are able to counter what we call spoilers, government opposition that tries to shut down the agency.

DE SPEVILLE: Yes.

KURIS: So can you talk a bit about how to build public support and how to manage public expectations?

DE SPEVILLE: Yes. Let's say straight away it deserves the department of public relations on its own within the institution because it is a tricky thing to do! I've said earlier, the public is skeptical, cynical even, disillusioned—has suffered corruption for years and years and has learned to live with it because it has to—is resigned to the fact that nothing can be done about the problem. This is exactly the attitude that the community in Hong Kong had back in the '60s and '70s. They shrugged their shoulders and when the proposal was to set up the ICAC, they said, "Waste of money, waste of taxpayers' money!"

Now you've got to change that attitude. It can't be done overnight; it takes time. Witness what you've seen in all the places that you've studied and you kindly sent me all your reports on: Indonesia, Latvia, et cetera. Why is public support an essential? Well for two reasons. The first short-term reason is that you're not going to get anywhere in this fight unless you get good information coming from the community. The second, longer-term is the true mark of success in the fight against corruption. It is the extent to which my attitude and your attitude to corruption is going to change, so it is a change of attitude. Now, that takes time.

We're not going to measure success by the number of people we lock up, that's a hopeless measure of success. The real measure of success is whether we can actually bring about a change of heart, a change of mind, in every member of the community. If you say to me, "Well that can't be done," I'll say to you, "Yes it can." We can show you it has been done successfully in Hong Kong and in Singapore. In Hong Kong certainly from that attitude of total resignation that the public had, apathy, cynicism. The public in Hong Kong is now very strongly supportive of the ICAC and believes that it has changed itself and indeed it has, within a generation, within twenty, twenty-five years. It has changed from that former attitude to one that says, we no longer want corruption to be part of our daily lives.

The importance of this is I believe it is now the strongest defense against corruption swamping in from mainland China. I hope I'm not being unduly optimistic. We are still only a few years into being in the bosom of mother China. Things could change, but so far, so good. The defenses, the bulwarks against corruption swamping in from mainland China I believe are the community, the community led by the ICAC admittedly. But it is the community that is prepared to come to us and say this is going on. They come and say it to us about Chinese companies, mainland Chinese companies working in Hong Kong. So that is the real defense and that is the importance therefore of the educational side and persuading people that things don't have to be as they were before.

KURIS: So you think that public support and public perception of the anti-corruption agency are the key performance indicators?

DE SPEVILLE: *Absolutely. And in that connection, I don't know if you have ever seen one of the Hong Kong surveys, public perception surveys. I brought a copy here. I can't part with it unfortunately because it is the only one I've got. But they send me it year after year. You may well be able to find it on line. But this is the survey that is now done annually. At the beginning it was only done biennially and we rather regretted that, so we made it an annual survey. You can see that it is conducted on our behalf but by an independent polling firm in Hong Kong. This job is put out for tender in the normal way so that different firms do it every year. But the format is very similar every year. That is they're asked a number of questions, very much in the same vein every year, the same questions. If this is going to be a survey that is a valid comparative tool, then you have to ask the same questions. There is a section in here where they'll ask topical questions where they need to know the answers for this year but not necessarily next year. So that is the topical. But the bulk of this is standard questions that are repeated every year. The pundits analyze all this, compare it from one year to the next, you see. It's done as a scientific job. It is broadly in three sections. The first section is your perception of the corruption situation. Are things better, are things worse? Which government department do you think is the worst, that kind of thing right? The perception survey we're all familiar with.*

The second aspect of it is your personal attitude. We want to know what your personal attitude is to corruption. The third aspect is, we want to know how you feel towards us, what is your feeling of support towards us?

KURIS: The ICAC.

DE SPEVILLE: *Yes, not towards me, towards the ICAC. The reason for that being that public support is one of the essentials. We therefore need to measure whether we're getting it or losing it.*

Now this document I keep saying to countries, you must do something like this because if you're going to accept that your government and your taxpayer fund this exercise year in and year out, they've got to see results. They've got to be shown what you're doing, not just the number of people you're locking up. Those statistics of course we produce all that. But we've got to know more. We've got to know your perception, we've got to know your attitude, your attitude being the most crucial measurement because as I said earlier, the true mark of success is to what extent are you changing my attitude towards corruption. You need to measure that. And you can measure it.

These pundits say to us, you can measure a person's attitude toward anything. We need to measure a person's attitude towards corruption. Is he tolerant? Is he resistant? If he is driving his car and policeman stops him would he offer the policeman a bribe? Would he offer the policeman a bribe and report him? Would he refuse pointblank? All that kind of thing. You see, that's tested in here. That is what we need to measure.

It is amazing to me how few countries, offhand I can't think of one that does it I'm about to say apart from Hong Kong, that actually carries out a survey like this every year.

KURIS: I've seen a few. I think Latvia is doing it.

DE SPEVILLE: *Does it? Good.*

KURIS: Indonesia is doing it but Indonesia is very closely modeled on Hong Kong.

DE SPEVILLE: *I hope it has. Latvia, I talked to them right at the beginning.*

KURIS: Sorry, I meant Lithuania, Lithuania does it.

DE SPEVILLE: *I've also talked to Lithuania.*

KURIS: Lithuania does a "corruption map."

DE SPEVILLE: *That's important. And it is important that it should be done right the first time so that it provides you with a valid benchmark. You can look back over the years and see how you're doing. That really is important.*

KURIS: Now one aspect of the public support in Hong Kong, which you talk about in your book, is the Citizen Oversight Committee in Hong Kong.

DE SPEVILLE: *Right.*

KURIS: Unfortunately I have not seen this in too many anti-corruption agencies.

DE SPEVILLE: *No you haven't and it is a terrible mistake in my view. It is a Hong Kong invention and I believe it has served us well for close on 40 years. There are in each operational department, namely investigation, prevention and education. Each has a Citizens Advisory Committee. Notice it is called "advisory committee." The final decision always rests with the commissioner.*

KURIS: Yes.

DE SPEVILLE: *But these advisory committees which are volunteer—unpaid positions, but they are given face in that that their appointments are gazetted, and made at the highest level. These committees of citizens work closely with each of these three operational departments. Each department has its own committee and they work closely with these departments.*

Let me give you an illustration of the importance, what I believe is the most important. That is the Investigation Review Committee, the one working with the investigations department. The reason is this. When you're investigating corruption the reality is that most investigation files will not end up in court. The

great majority—it is our experience over the years that up to 90% of investigation files that we've opened, will not end up in court. That is an experience shared by Botswana by the way as an instance. You've talked to Graham (Stockwell) about Botswana?

KURIS: Yes I've gone to Botswana and talked to them.

DE SPEVILLE: *I'm not going to go into Botswana, I've done work for them and did a big review for them a few years back. One of my recommendations is that they should have such a committee. Why? Because of this 90% of investigation files we have to close because they're not going anywhere. The community has to be satisfied that we have nevertheless looked at the matter properly and it is now proper to close it. They need to be satisfied about that otherwise they're going to mistrust us, think that we're closing things prematurely or not looking at things adequately. How do we do it? We can't lay out the investigation file to the community. This is confidential stuff. We can't do that.*

So how do we do it? We do it through the mechanism of this committee. When the investigating officer makes a recommendation, it is going to go up the line to the commissioner eventually, namely this matter should proceed no further, we have investigated as far as we can, I (the investigating officer) recommend no further action.

Before it reaches the commissioner it goes via this committee. The committee meets once every six weeks or two months. It has, at the end of the table the investigating officer. It has his report of the investigation. They've looked at the report, they can ask him any questions. They then advise the commissioner, yes, this recommendation can be adopted or they'll say to the meeting, let's take a closer look perhaps at this aspect of the matter, or one of the members of the committee is actually the Attorney General who is in charge of all the prosecutors. They'll say, this is being closed on legal advice at a rather low level, we wonder if it could be looked at at a higher level. I'll look at it myself perhaps.

So the report comes back at the next meeting, yes we've looked at it at a higher level. The advice is the same, no further action. Okay says the committee, fine. Up it goes. We've seen it. So the recommendation is sound, up it goes to the commissioner who endorses it. As I say it is an advisory committee, it is the commissioner's decision always, but it is going to be a rather stupid commissioner that keeps going counter to his advisory committee's advice.

KURIS: You find you can trust the committee not to leak?

DE SPEVILLE: *This is one of the difficulties. So far what I can tell you is that we haven't been let down in that way. But it is a risk; we recognize the risk. But look at the nature of the risk. This is a recommendation that a matter is not going any further. So even if it were leaked it is not the end of the day. But what our experience is with this committee is that once its members understand their role and the seriousness of keeping it confidential, then they do. You know, you're going to pick not just any Joe, you're going to pick people who are sensible, mature people, understand their roles as good citizens in the country, want corruption dealt with effectively. Once they've understood all that, they're going to respect your confidentiality.*

KURIS: This committee has a theme I keep seeing in different agencies and that is sometimes when an agency adopts more constraints, more procedures that seem onerous, it ends up being a shield. I think about integrity controls and how although it is kind of annoying to have a lot of different forms of integrity, accountability, it protects the agency, then they come under attack for it.

DE SPEVILLE: *Indeed so. There is a more positive aspect. This committee is working with us so closely, at regular intervals seeing us close up; it is monitoring what we're doing. These are known members of the community. How the mechanism works is that you as an ordinary citizen, you say to yourself well if the members of the committee whose appointment I know of and they are respectable, sensible people, if they're satisfied with the way the ICAC is doing its job, then I can be.*

On the other side of the coin, if these committees were getting the feeling that things were going wrong in the ICAC then that would percolate into the community—. Then we're in serious trouble because if that happens then we're losing the support of the community, one of the essentials of success.

So it is a mechanism that has served us well for close on forty years. We have a prevention committee and an education committee as well. They have rather different functions. The main function of this investigation committee is to recommend closure of, files. That's their role. They're not being involved in the investigation, they're not involved in the decision whether to prosecute or not, that is for the DPP, the Director of Public Prosecution. It is not us, it is not the committee. Their main function is to—before I forget, let me just show you how these committees, they operate independently. We provide the secretariat, we service them, but they operate independently and here is an example, the current annual report of the commission. I don't know if you've ever seen a Hong Kong report before. It follows a fairly standard format over the years. It has all the detailed information that you need to know. But the feature I'm bringing to your attention is this.

This is the report of the ICAC Advisory Committee. So for convenience sake it is put into one bundle like this. But here you'll see the reports of each of these committees, reporting independently to the government, the legislature, just as the ICAC has to do. That's an important feature that was added during my time in fact. These reports it was decided would be done independently. That's the time that the decision was taken that the commissioner would no longer be the chairman of these committees; a member of the committee would be the chairman. That's a change for the better I think and it is in keeping with the times.

Up to that time the chairman of these commitments was the commissioner. For obvious reasons that was changed and their reports are made separately. You'll see each of them here, there's probably a picture of them sitting here. This is the Operations Review Committee, namely the Investigations Review Committee—we call it operations. You can see it is quite a large committee. It will have on it a number of ex-officio members.

One of them will be the Attorney General I've mentioned; another will be the Commissioner of Police who I don't think I can recognize who that would be now. A third one would be a senior member of the public service. You know they have valuable input and furthermore, I mean the attorney is in charge of all the prosecutors. The police commissioner will still be directly concerned—quite a lot

of complaints coming in about the police. Of course the public administrator because a lot of complaints are about public administration. So they're there. They're valuable members. They are the ex-officio members. The rest are all worthy citizens appointed because they're sensible. They're appointed. Usually on the nomination of the ICAC—you can see here, a lot of them are Justices of the Peace.

Michael Sze is now private sector but he used to be in public service—the chairman, he is sitting up here, I think that is him there. He was an administrator for a long time, but he has been private sector for a number of years now and he is regarded as a good citizen. These people are all known personalities in the community.

The community says to itself, well, we can see these guys that have been appointed, we know what their terms of reference are. If they're doing a decent job we can be satisfied that things are okay. So that is one of them. All the other committees are likewise set out.

KURIS: So speaking about the public administration, I wanted to talk a bit about preventive reforms.

DE SPEVILLE: Yes.

KURIS: How do you get government officials, how do you get them to get on board with this?

DE SPEVILLE: *That is a kind of tricky thing to do, but it is doable. First of all, if we go back to my example of the revenue department, the Commissioner of Inland Revenue is going to be pretty sensitive. So reforms are likely to find favor with him, particularly of this precious system. There are a number of principles involved in the prevention work we believe. The first is that you look at systems one at a time. You don't look at the whole revenue department which has hundreds of systems and procedures, you look at a particular system. You don't look at the whole of the Transport Department; you look at the system for issuing driving licenses. You look at a particular system at a time.*

The second principle is that you work with the department on a client-adviser basis. They are the client, you're the adviser. Now what follows from that is you work together. You work consensually so far as you can. The client is always conscious that the difference about you as an adviser is that you have got a big stick. The big stick of getting them to comply with recommendations that they have had a part in preparing. This is the point about working as client and adviser. You look at your system together. You're going to look at it not only what the manual says but how it is being done in practice, together. You're going to work out the solutions together. It makes the likelihood of adoption of the solution much more likely if you and I have both been involved in preparing it.

But if you still have a reluctant minister or head of department, who hasn't been directly involved in the exercise of looking at the system, then your only recourse is a political one. The prime minister is responsible for the whole of the administration. A copy of your report, which is now—imagine this is the report on the driving license system let's say. In draft it has gone to the advisory committee on prevention. They've looked at it; they've suggested one or two amendments,

they're now happy with it. It has gone up to the commissioner who says yes, let this issue.

So it issues from the ICAC to the department concerned. Sometimes it is necessary to send a copy to the prime minister's office because the prime minister as the one who is politically responsible for how the administration is running, is going to be aware of this report and he is going to say to his cabinet colleague, the minister of transport at the next cabinet meeting, how the recommendations, the implementation of those recommendations, how is that going? He is applying political pressure in other words. That is his role. It is the most effective way of getting that ministry of transport to adopt those recommendations.

You can't send him to prison. It is just not the way we do thing. But the political pressure, directly from the prime minister or the President who is responsible for the whole of the administration, is the way to make sure that these recommendations are adopted.

Now look, there may be times when the minister's reply to the prime minister will be, prime minister, we're not adopting these recommendations just yet because the situation has changed and we're doing things differently or whatever it may be. So he may have good reason, good governance reasons for not adopting these recommendations now or at all, for him to explain that to his prime minister.

But usually we find our recommendations are adopted. First of all, they've been worked on together. The solution has been devised together. Secondly it has gone through the advisory committee of businessmen, consumers, people who know how these things go, have fine-tuned them if necessary. If they're good recommendations, sensible recommendations, then most people of good faith are going to say good, the work has been done for us, we don't have to pay expensive consultants to come and do this, the ICAC provided that service for free. You see?

And we provide the same service for the private sector. We have big companies coming to us and saying, look, just come and look at our system for let's say storage of goods in our warehouse. Come and tell us what you think of this system.

Then I'm going to say okay, I'll take this on and I'm going to sit down with you, the chap who operates that system in the warehouse. We're going to sit down together, we're going to look at how it works, we're going to work out where the improvements should be. The improvements are always with the view to avoiding corruption. Here you've got another matter of principle arising which anti-corruption bodies make a mistake about time and again.

We are not management consultants. We are not there to tell you how to run your operation better. It may be a byproduct of a better anti-corruption thing.

KURIS: It might become more efficient.

DE SPEVILLE: *Correct, because very often what we find is that prevention measures, if they're effective anti-corruption prevention measures, and efficiency go hand-in-glove. Imagine that it is shifting containers through to docks and clearing customers. If you put forward recommendations that will mean that that container*

takes an hour longer to get through it is not going to be adopted, neither by the customs people, nor by the businessmen who are the consumers. They don't want it. They want a system that is going to get their containers through an hour quicker, or half an hour quicker. So that is why we find that effective prevention measures very often go hand-in-glove with efficiency, but it is a by-product in a sense.

The terrible mistake that is being made at a broader level, at a higher level, and particularly in my view by the World Bank, is to say, if we have governance reform it will cure corruption. It doesn't, it doesn't, and for the very simple, practical reason that if you have pre-existing corruption, any governance reform you try and put in place is going to be undermined by that pre-existing corruption. That is at a practical level.

At a conceptual level, we're talking about two different things. Governance is about how you run things; that's what the word means. It is about how you run things. Anti-corruption is about upholding a value, a value that says, bribery is wrong and it is a serious criminal offence in all our criminal codes. They are conceptually two different things. If you confuse them it is no wonder that your thinking gets muddled. This is what I hold against the World Bank. I've held my tongue for a long time when the World Bank started to take an interest in the early to mid '90s in this subject. They were advancing governance reform as the main solution to all our problems.

I said, okay, well there are probably many ways of skinning a cat, let's see. It dawned on me then that, when I saw what was going on, it could not work. I went to the World Bank and told them. They invited me to lecture to their staffers. Yes, all in agreement, standing room only. Absolutely see the point. The difficulty is you can't get to the top. I've tried, I've written to them. You get a polite reply from the third secretary saying your letter has been placed before the President, thank you very much. That's the last you hear of it.

But the point I've made to the World Bank all along, no, not all along, not from the beginning, but when it was clear that their governance reform idea was having no effect, was, look, you've had long enough to show results. You have shown no results, none. By your own admission, by your own documentation you've shown no results. So don't keep shoving this down our throats.

Why they're number one on my indictment is because they are such a responsible institution in that they have such influence with all the other donor institutions, multilateral and bilateral. With the poor benighted countries, well how often have we seen the World Bank say to these countries: here's the money but you do it this way. So the poor benighted country has no option but to do it that way even though it is going to lead to no improvement in the corruption situation.

Now, I don't know what your view is, Gabriel, but I've followed it now for quite a long time. If you look at Transparency International's CPI (Corruption Perception Index) which, defective as it is, in my view is still the best measure we have. I've tracked it over the years since it started. The story, the picture that emerges is pretty dismal. The great majority of countries that are measured are flatlining. Now we have a few that are flatlining because they're at the very top; they're scoring 9 out of 10. That's understandable.

But countries that are scoring 1, 2, 3, to be flatlining after years of having money poured at them, millions poured at them—no, no, no, billions poured at them, tons of anti-corruption advice dumped on them, to show no result, to be flatlining, is, in my view scandalous. Scandalous. I don't mind you saying that. I have said it to the World Bank. They ignore me. I've said it to whoever wants to—whose ear I have and they ignore me. But it is when you think about it. We've been measuring this since '94 or '95, I've plotted them all out. As I say, 80% of countries are flatlining.

Now you guys are a research institution, I don't know if you've done anything like this.

KURIS: No, we don't do quantitative research.

DE SPEVILLE: *No, you do the kind of reports that you were talking about which are very interesting. Congratulations. They are very interesting. You need the time to read them.*

KURIS: Yes, we're trying to come up with more cross-cutting materials now.

DE SPEVILLE: *Yes. I think it would be, if I may suggest a word to the wise, it might be helpful to have side-headings following a regular pattern so that when I pick up one of your reports—and I just want to look on one aspect of the matter—I don't want to read the whole shooting match. I just want to look at one aspect. I can go to that heading very quickly; just a suggestion.*

KURIS: Okay.

DE SPEVILLE: *At the moment, you don't have very much by way of headings; they're rather broad headings. I would suggest to particularize it.*

KURIS: Okay. To go back to the failure of anti-corruption efforts around the world, some people, some critics have blamed this on anti-corruption agencies. They say a lot of anti-corruption agencies have been created and—

DE SPEVILLE: *I know. They need to come up with a better solution. We can see the point of the anti-corruption agency. We can explain why it is necessary to have it as I've sought to do already. A lot of countries have adopted that. Not all at once; they've taken their time. But I don't think these countries are stupid; I think that that rationalization that I spelled out earlier on has got to them as well. They have understood it, they understand that this is a particular form of criminality that needs a particular form of dealing with because of its characteristics, namely it's secretive and consensual. You need information from the public, a public that doesn't want to give you information, you've got to coax it out of them, et cetera, et cetera. And the combination of the three things. I'm a firm believer that these three elements are equally important, equally important and furthermore that if you do one without the other two you're going to fail.*

If you do investigation without the other two, all the experience, virtually all the first part of the 20th century was that as corruption grew we made more severe penalties, we locked them up for longer, the problem just continued to grow. So repression on its own is insufficient. This is what Hong Kong realized. You needed to do the two other things, prevention and education.

Now let's be realistic. If you try just prevention and ignore the other two, I don't think you'd get anywhere. I'm sure you wouldn't get anywhere. The villains are villains. There are some real villains who are not going to change because you've made a change in the procedure. They will find a way around it. The same with education—you cannot just preach the good message. There are many members of our community unfortunately to whom the message simply will not percolate unless it is backed up by the big stick. That is why you need the investigation side.

KURIS: So you think the agencies that have failed they failed because they're not—they don't have the complementarity between these three different areas?

DE SPEVILLE: *That is a very common cause. But look, I'm not suggesting it is the only one. That list that I set out, the pitfalls, in Chapter Nine. It may not be by any means a comprehensive list, but each one of those would cause failure. This is the point. Though it is essential, there are certain essentials that I've outlined, seven essentials. The political will—you've got to have a modicum of that. You've got to have your values clearly stated. Those chapters.*

KURIS: Values, national strategy, resources—

DE SPEVILLE: *Are met, and means of implementing the strategy. This is what the anti-corruption body is about. It is there to lead the implementation of the national strategy. I say lead the implementation because it can't do it on the own. That is where the public support is so vital. Public support, resources, tenacity, endurance. You've got to be prepared for the long haul.*

KURIS: You mentioned how the World Bank often kind of conflates governance with anti-corruption efforts.

DE SPEVILLE: Yes.

KURIS: Are there other things that you think are often misunderstood about the fight against corruption in kind of conventional wisdom? Now that it is such a hot issue do you think there are kind of misperceptions?

DE SPEVILLE: *Yes, there are a number. I mean one of them is the investigative policy that I talked about. I mean, let me give you an extreme example. Pakistan. Pakistan is regarded as a pretty corrupt country. Since independence in '47 Pakistan I think is now on its eighth anti-corruption body. Why? There is a very simple reason. I've worked in Pakistan. I've worked closely with them for a while; I know why. It is because they're selective in what they investigate and what they don't investigate.*

When they do that, they will have one or two successes at the beginning. Then the people start to believe, probably led by the opposition, start to believe that the opposition is being singled out. Then what happens? As soon as the opposition is elected, the first thing it does is to flip this anti-corruption body and replace it with one of its own liking that repeats exactly the same mistake. As I say this has happened now seven or eight times.

So there is an example of the cause of the downfall, the cause of the failure of getting on top of the problem being an investigating policy that is wrong. It is as simple as that. It is wrong. In answer to the question that is often raised, you

raised it, well we haven't got the resources to chase everything down. No, we're always short of resources. Your job is to get our resources. You get that by developing public support and therefore political support. But in the meantime your job as manager of this outfit is to manage the resources that you have. You're not going to put all your investigators looking at what is indeed a trivial matter. It is up to you.

That decision process by the way applies even to the biggest cases. I might have a case that has been investigated for two years, three years. Periodically my managers have to take exactly the same decisions, do we continue with this or do we drop it. As I said the reality is that 90%, 90% of your investigation files are unlikely to see the light of day.

It sounds terribly conceited on my part, but I think if our policy makers, particularly those who run anti-corruption bodies were to study that [Overcoming Corruption: the Essentials], it would look—it is deliberately short, I made it deliberately short because policy makers never have time to read a tome. They just want to open it. So this is sort of bedtime reading for two or three nights. That's all. Before you fall asleep on it. But I believe that because it is concise and short, don't be fooled, I think there is a lot of accumulated experience that has gone into that. If you read that, understood it and applied it, your chances of success would be better. I don't put it any higher than that, because we all recognize that attacking corruption effectively is difficult. There are many pitfalls.

KURIS: On that note, although the Hong Kong approach has proven to be a very effective means to fight corruption, have you noticed what conditions make a country more or less able to apply that approach successfully? Are there ways it has to be adapted to different contexts?

DE SPEVILLE: *To some extent yes. For example, at a practical level, the message I'm going to give to the community in Hong Kong, the anti-corruption message won't be the same as the message I'm giving in Indonesia. They're just different ways of communicating in these countries. Some are very effective indeed—Indonesia, for example, has plays, shadow plays. They have worked out some fabulous ways of getting the message across. But I think there is a limit to our diversity.*

I say that because this particular value, that bribery is wrong, is one that we all share. We all in our criminal codes have this as a serious offense. We are all human beings with the same weaknesses, a propensity to bribe or be bribed. We share that all over the world. I haven't come across a country that is immune from it; we all share it. Therefore the approach for tackling this problem has to have certain uniformities. It is like tackling Malaria or AIDS or whatever other social ill that we have. If we share them, if we have them in common, then our solutions are likely to be in common as well—pretty simple stuff.

KURIS: Are there indicators about a country that show whether the Hong Kong approach would be especially effective there? Is there something about the structure of the government, or the culture or the size of the country? Political scientists are often looking at this.

DE SPEVILLE: *I know, I know, they do indeed. Political scientists are sometimes the bane of our lives. They're looking at things through a particular optic. They're like economists. They look at things through a particular optic. It is one of the things that I think has happened at the World Bank, which is staffed largely by*

economists and political scientists. So they see things through a certain prism. We aren't talking economics here. Fundamentally we're talking a value, a value that says bribery is wrong. Now when I said earlier that it was a relative matter, you can envisage a country being run on bribery, legitimated it would be called "commission." While we are not against legitimate commission, the world runs on commission, we're against unauthorized, secret commission. That is the point about this offence. That is why it is a relative thing.

That's why in Saudi Arabia for instance, when the Minister of Defense is a nephew of the King and he is dealing with a huge defense contract and the King says to him expressly or implicitly, "Yes my boy, of course you can take a commission on this deal," then who are we to beef about that. You see? That's why it is a relative thing.

KURIS: Oh yes.

DE SPEVILLE: *You could run, you can envisage running your whole country that way. You say to the police officer, traffic cops, guys, every fine that you impose on the road you're entitled to take a cut. In some circles we condone it. You go into a restaurant, the tip is a reward for the service you've provided and it is allowed because the owner has authorized it. The only difference between that tip being a bribe, a reward for what you've done, and a legitimate tip, is the boss' authority. Well if the boss, the state, the King of Saudi Arabia says, perfectly all right, take a commission, where's the beef?*

This is what was at the heart in my view of the famous BAE (Systems) prosecution, have you heard about that?

KURIS: Yes.

DE SPEVILLE: *Do you remember when it was dropped on grounds of national security.*

KURIS: To deal with Saudi Arabia.

DE SPEVILLE: *Yes, that's right, it was the big BAE defense contract with Saudi Arabia, an investigation that took two and a half years. At the end of it I wrote a letter to the "Financial Times" which they published I believe saying, do you know if the SFO (Serious Fraud Office) were switched on they would have asked in the first week of this investigation, how are we going to prove that this is a bribe. Not whether we say if it is a bribe or not, it is whether the Saudi Arabians think it is a bribe.*

Here is my further beef, I'm straying a bit, but here is my further beef about our Bribery Act—and incidentally the FCPA (Foreign Corrupt Practices Act), but the FCPA is not as rigid. Our Bribery Act, a new instrument, there is a tendency in that Act, particularly in the provisions that deal with foreign bribery, for us to be imposing our standards on these foreign countries to the extent that a defendant here, a British company being prosecuted for bribing in Saudi Arabia or wherever, is not able to defend itself by saying that wasn't bribery, it was legitimated in that country, unless the defendant can actually prove that it is written law and produce the law in court. It is for the defense to prove it. The FCPA is not as draconian.

So what that means is that we are imposing our standards on those dealings even though it would be regarded as legitimate in that country. Now I think we need to draw a distinction between legitimate and tolerated or just happens because a country is such a corrupt country.

KURIS: Right.

DE SPEVILLE: *In Nigeria there's no problem because the Nigerian law is quite clear. It is a written law, it was passed by parliament, that says bribery is wrong. But in Saudi Arabia it's not like that. We had the ambassador to Saudi Arabia come and talk to us once here and explaining to us how that country is run unlike our democracies, quite unlike. It is a family business. If the head of the family says my boy, of course you can take a commission on this deal, then what are we griping about.*

KURIS: I can understand that. Many countries would see this system of political lobbying in America as corruption yet like you're saying we have specific laws about this.

DE SPEVILLE: *If everybody accepts it, this is the way things should be. Now that's why I say it is a relative offense. It has not got the absolute moral value that let us say murder or robbery or rape has. But when we do have it in our law, then we need to uphold that value. We fail to do so, at our peril. If we don't we can see what happens to countries. They get wrecked by corruption; you've seen enough of that.*

KURIS: Yes.

DE SPEVILLE: *They get wrecked.*

KURIS: Because of these different values, is there anything that has surprised you when you have advised other countries about trying to apply the Hong Kong model? You've talked about how it fits pretty well.

DE SPEVILLE: *No. No. No. Indeed that is usually because that country purports to run itself by the rule of law, has a criminal code that very clearly states bribery is a serious criminal offence. I mean I can't think of a modern country now—I don't know Saudi Arabia, I've never worked there, I don't know what their law says—but I can't offhand think of a country that hasn't got as a serious criminal offense, the offense of bribery. Codes going back now a very long time.*

KURIS: One more question about other countries in your experience. Have you seen any examples of especially deft management of threats, political opposition, from anti-corruption leadership? That's something I'd like to study, I've seen—.

DE SPEVILLE: *Well, this is the thing about developing public support. Public support is a real reinforcement in the protection for the anti-corruption body. If you lose public support and a politician stands up one day and says let's do away with the anti-corruption agency, people are going to shrug their shoulders and say why not? It is a waste of money and time. That as you know almost happened in Mauritius, I can see that and I happen to know Mauritius fairly well. So there is an example.*

I can't think of any—oh yes I can, Nigeria. Nigeria you may know this story. When the ICPC (Independent Corrupt Practices and other related Offenses Commission) was formed, it was formed in the days of (Olusegun) Obasanjo,

President Obasanjo, who I happen to know, and he appointed as its first chairman a crusty old federal judge. I met him. He was pretty dreadful and his idea, his one idea in life was repression. It was to go around beating people with a big stick—the higher up the people the better. The trouble is that most of the people that he was hitting were members of the federal parliament. The ICPC hadn't been in existence three years when the federal parliament actually passed a bill abolishing the ICPC. They abolished it.

The only reason why it still exists today is because Obasanjo refused to sign the bill. That man, Mr. Justice (Mustapha) Akanbi, he was dreadful. Obasanjo invited me to go out there once and go and talk to their management cadre. Akanbi made it very clear from the minute we assembled that he didn't want me to say anything.

KURIS: Wow.

DE SPEVILLE: *So after spending a pretty fruitless day there, I went back to Obasanjo's office. As I walked in the door he said, "What do you think of Akanbi?" You know I hesitated a millisecond, and he said, "You don't have to say anything else." He knew he had made a mistake. He got rid of him soon after. But he didn't get rid of him straightaway. What they did is a rather stupid thing in my view. They created a parallel body, the EFCC (Economic and Financial Crimes Commission) which continues to exist in parallel, has a mandate which is almost identical to the ICPC's. That is a mistake. These two bodies fall over each other, they trip over each other. People are confused about who is responsible for fighting corruption.*

KURIS: In my case studies, I've studied strong leaders, but in reference to strong leaders, one problem with strong leaders is when they're gone often everything falls apart. How can a strong leader keep things going? How do they achieve that sustainability?

DE SPEVILLE: *That flame, what I call political will is a very fragile thing, it is little more than a candle flame in the heart of a newly elected President. He might have one or two colleagues in his government who are with him, but he is just as likely, if not more likely to have most of his cabinet very lukewarm on this question. So given the necessity to protect this little flame from being extinguished by any passing political breeze, you have to find ways and advise the leadership right at the beginning how to protect that little flame.*

Now one of the ways, I believe, is at the beginning of an anti-corruption campaign or a new impetus to an old anti-corruption campaign is to sound out the public. You can't sound out every Joe, but you can sound out the opinion-formers of the country or a good selection of them. We've done this in a number of countries. The object being that with the results on a number of issues about fighting corruption that the opinion-formers have expressed their view on, the government then gets a good feel for the support it has in fighting corruption. We've done it most recently in Lesotho but we've done it in Botswana, we've done it in Indonesia, we've done it in one of the big states in India. We've done it in Trinidad and Tobago and there is another place where we've done it and I've just forgotten now.

I emphasize it is not a survey, it is a public opinion consultation of the leaders of the public, the leaders in every sector. Of course politicians, members of parliament, business leaders, newspaper leaders, the editors, teachers, the

teaching community, the religious community, et cetera. You select these people. You draw up a list, a cross-section. The number that you're able to consult depends on time and resources but we reckon to consult between 2500 and I think we did 10,000 in Indonesia in these different categories. You send them this consultation paper which is a bit like—I think you know the idea of a white paper or green paper. This is a sort of white paper with green tinges. What you're doing is you're setting out in simple language, as briefly as possible, each of these issues. There may be a dozen. You set out the issue and immediately afterwards you ask the question, the kind of agree/disagree question or you put it on a sliding scale or whatever.

Nobody is obliged, it is a voluntary thing, replies are given in confidence and the percentage reply will vary from country to country. When you have collated and analyzed the responses you get a very interesting picture emerging which you then present to government. Your prime minister who has got this little fervor going for anti-corruption sees this, draws courage from it and furthermore is going to use it to persuade his colleagues that politically guys this is perfectly doable. Right?

Now we've used that as I say in about six or seven countries to great effect. It is difficult to judge the effect, but when you know that it is well received by government, you do it with government approval anyway, but when it is well received by government and you find that you're making progress in bringing about change, then you reckon that that has been a successful exercise.

The other thing that I advocate, but it is not often that I come across leaders who have got the courage to do it, and that is, in a word, to draw a line under the past.

KURIS: Which Hong Kong did in some ways?

DE SPEVILLE: *We did, but we had it forced on us by circumstances. Hong Kong is an example of how not to do it—there are a couple of lessons to be learned from that disaster or near disastrous exercise. One is think about this question right in the beginning, don't wait until three or four years down the line; do it at the beginning. We did not. Think about it.*

The second is, don't spring it on the public. Get the public to think about the practicality, the common sense, the essential fairness of such a solution. Get them to mull it over. People's kneejerk reaction is to say, "No way, no way we're going to let these fat so-and-sos get away with it!" You see, that is the kneejerk reaction. It is only when you start to mull it over and realize that your favorite Uncle Joe has been in the police for years and has grown fat on what he has taken and you know it that you begin to think, I really don't want Joe to be languishing in jail for things that were done in a completely different time, a climate of tolerance and toleration. But if Joe continues to behave like this after D-Day, then he deserves all he gets. That is the thinking behind it.

Now in Hong Kong, there is the second object lesson, we sprang it on the public from one moment to the next. We announced it the day after the police demonstration. When that happened the public came out in the streets. The demonstration was every bit as big and as worrying as the police demonstration that had preceded it. So those are the two lessons. Think about it right at the beginning and get the public to debate it, to discuss it.

I've tried most recently to get Lesotho to adopt this course because they've got some nasty skeletons in the past.

KURIS: And it is such a small community.

DE SPEVILLE: *That's right and I'm afraid that if they—. Anyway, I advocated it and indeed it went as far as being included as a provision in the bill because you do need to have a legal provision.*

KURIS: Temporal jurisdiction.

DE SPEVILLE: *Correct. But just recently the new Minister of Justice apparently after consulting his colleagues has decided no, they don't want to do that. So they put a line through that clause. They're not going to do it. But it is a way, just coming back to the original point, it is a way of protecting and fortifying that tiny little flame of political will. Because if you've got powerful people in your country, some of whom are now in government, worried about the past catching up with them, they're going to make sure that your new initiative goes nowhere.*

KURIS: Also, you see this problem in countries where corruption is ubiquitous. There is going to be dirt on absolutely everybody.

DE SPEVILLE: *That's right, that's exactly right, from the high to the low.*

KURIS: Yes, including some people who would be genuine reformers.

DE SPEVILLE: *Indeed. So it is only when you start to think about this, in your own home, discussing it with your friends, that these things dawn on you. Your initial reaction is to say no way are we going to forgive the past. So yes, I think that is an important way of protecting that little flame of political will. As you protect it and as you develop public support, there is a chance that the flame grows stronger and stronger so that now you can have a change of political wind, you can have a change of government. That flame is not going to go out because the public is not going to allow it to go out.*

There is the significance of public support. It takes time to build it up and it can be forfeited just like that as we saw in Hong Kong. When that amnesty was announced from one day to the next, public support just dropped like a stone.

The first commissioner, a very good man who was still there when I was there, Sir Jack Cater said we had labored long and hard for three years to build up public support. The amnesty was announced. Bang, it came within an inch of the pavement. It took us another three years to build up public support to the level it had been before this crash came.

No, Hong Kong certainly didn't do everything right. They made some very serious mistakes that almost wrecked the whole effort.

KURIS: Were there any disappointments that you had from your own time leading the ICAC? Looking back now with more experience are there things you wish you had done differently?

DE SPEVILLE: *Quite frankly no. I think the reason for that is your role is a limited role as commissioner. You're appointed to head up an institution that has been running*

pretty effectively for—gosh, it was running for 18 years before I came in. So their procedures, their way of doing things, their approach to the public, their message, all that is already in place and running pretty smoothly. So quite honestly it wasn't—the radical thing—I suppose there were two. One was the review of our laws and procedures in the light of the coming changes with China. The second is that I did have to fire a very senior officer—who was a very senior investigator. Now that is something that I happen to think is important to keep the institution on track. The commissioner has got to have summary powers of dismissal. He is the disciplinary authority for the institution but that should include summary powers of dismissal. I had to dismiss this guy. He was unfortunately my most senior Chinese officer. He decided to run to the public and run to the legislature and to the press and say 'I'm being fired on racist grounds because I'm Chinese.'

So there was a big hoo-ha about that and parliamentary inquiry and all the rest of it. We came out of it satisfactorily in that the conclusion of the report was I was entirely justified in firing him. I wouldn't have changed that but it was quite a traumatic time for me and for my senior officers. It was necessary. This chap who was a very good officer, very senior, he would have been the head of investigations in about 18-months' time, so he was right there near the top. But he had started running with the villains I'm afraid. So he had to go.

KURIS: That brings up an issue that I keep encountering of the trouble of keeping up morale in some of these agencies when often times people are attacking you in the press.

DE SPEVILLE: *Yes and Mauritius went through that very bad period when (Navin) Beekary was commissioner. Yes, there are times like that. Fortunately I don't think I experienced that when I was commissioner. Morale was good. I think morale is good if you've got an outfit that is operating efficiently and honestly, that the internal procedures are honest and that you're being kept honest by these advisory commitments that are working with you. So it was regarded as a good job. We had thousands of applicants for the posts that were occasionally available to be filled. We could be very selective in choosing the best.*

Nevertheless, although you chose the best and although you vetted them very carefully before appointing them, occasionally you pick a bad apple or it turns bad over time. So you had to have an effective internal monitoring system and we did. All the staff knew of its existence and it would report directly to me and it would keep an eye on the conduct of my officers.

We had other things that helped keep them on the straight and narrow. For example we had a welfare fund and we were very conscious about officers falling into debt, for example.

KURIS: Oh yes.

DE SPEVILLE: *And coming under pressure from the loan sharks. We needed to know that. We had to keep an eye open for that and make sure they were helped out if they found themselves in trouble. But this internal monitoring thing was necessary. As I say allied to that was that the commissioner was the disciplinary authority for the officers which included the power of summary dismissal. Summary dismissal of course observing all the rules of natural justice in that you were given the opportunity to explain yourself, et cetera, et cetera, et cetera. But*

at the end of the day there was no question, unless he had committed a criminal offense, and in this particular matter I took the advice of the DPP who came back and said it's pretty close but he hasn't committed a crime. So then I had to get rid of him on disciplinary grounds.

KURIS: I know I'm taking a lot of your time, just one last question. What role do you think the international community should play in supporting emerging anti-corruption agencies in emerging democracies? How best can they provide assistance or political support or help in any way?

DE SPEVILLE: *The international community has made some terrible mistakes. Afghanistan is a case in point. Afghanistan you know, when the London Conference was held here two, three years ago corruption was the great headline objective. We were going to leave Afghanistan in 2014 with the Afghans firmly pointed in the direction of defeating their corruption; that was the great objective.*

I was there last year or was it the year before, I can't now remember, it must have been the end of the year before. I was invited there by the Americans. It is pathetic. There is no other word for it. We've abandoned now—you read between the lines—we've abandoned any idea that Afghanistan will be on top of—or just heading in the right direction to deal with its corruption problems. We've abandoned that. Now I blame the international community entirely.

Why do I say that? Because the surveys done, the last one that I saw was one by the UNDP (United Nations Development Programme) showed that corruption was the number one concern of Afghan people, even above security. This was a 2010 survey. Well that priceless asset has been squandered. I looked at their High Office of Oversight as they're called, their anti-corruption body. I've met and worked with them. Admittedly it was a short visit; I was only there for a fortnight. These poor blighters were tearing their hair out; they were going nowhere. They could see they were going nowhere.

The reason why they were going nowhere is because they had a foolish declaration of assets system foisted on them, which is just a lunatic idea. I don't know quite who has espoused that particular notion but it is just stupid. It is stupid. There is no other word for it.

KURIS: Is it stupid in most contexts to have a declaration of assets?

DE SPEVILLE: *Yes, yes it is because the unspoken, very often unspoken motivation is that if you get all your high-ups to declare their assets, you will cure corruption. You will find out the corrupt. You do not.*

KURIS: It is just a distraction?

DE SPEVILLE: *It is a distraction, it is a waste of assets, it is a waste of precious resources. I'm afraid I can go on and on about this because I've seen it so often, even in places that are the darling of the international community like Tanzania. I led a team that carried out a review of Tanzania's efforts on behalf of DFID (Department for International Development) about five or six years ago now and they have this declaration of assets system. They even set up a separate office to deal with it, a separate secretariat to deal with it, firmly believing that this is going to cure their corruption. Well Tanzania is one of the flatliners I'm afraid*

despite having been the darling of the donor community for the last twenty to twenty-five years.

One of the reasons, one amongst many, is this declaration of assets system that they put a lot of faith in and it simply is not going to do what they want it to do. What makes it even grosser is that these poor countries are foisted with this system and this belief. Yet if you look at the particular provision in the United Nations convention, I think it is Article 8.5, you will see that the objective of such a system is to identify conflicts of interest. It is not to catch the corrupt, it is to identify conflicts of interest. That is actually stated in the convention and yet you still get places like Afghanistan and God knows where else being put in these dead end schemes —. I'm afraid I get frustrated and a bit hot under the collar about the terrible mistakes the international community has made.

KURIS: Are there forms of international technical assistance which are helpful, which have been successes?

DE SPEVILLE: *Yes. I would have said, and I've said it before in writing, they should be much more careful about selecting their anti-corruption advisors. They should say to the country where we are prepared to help that they would fund that adviser or advisers to go to the country and help out. Be prepared to fund it for quite a long time but since they've spent billions anyway, the fees of a decent consultant are negligible. Then stay out of their hair.*

If you've got confidence in the experts that you've chosen for the job—and very often these days I have to tell you this candidly, I've seen so-called experts selected by the elaborate procedures, the tendering procedures and all the rest, particularly by the EU (European Union) may I say, who when I've seen them operating are a disgrace, they are clueless. They don't have a clue. I mean it. So what has happened I think, and this is perfectly natural, is that as the interest in tackling this problem has grown, so has the number of experts in the field.

KURIS: You have a whole cottage industry.

DE SPEVILLE: *I'm afraid that's right. It is more than a cottage industry, it is pretty big. These days it really is pretty big. You'd be aware of that. They are hard to come by, I grant you that. Again it makes me sound very arrogant but it is difficult to find people with the right experience. The Tanzania exercise was a very interesting one for me because I was asked to head up a team of about a dozen disparate people from different countries, different professional backgrounds. I think there were two that were any use in my field; the rest were deadwood. No, they were worse, they were a hindrance.*

Now I've reached the age where I don't mind saying to governments or to whoever, look, there is a right and a wrong way to do this. If you can tell me there is another right way, let's talk about it. So I don't endear myself to many institutions but I don't care now, I really don't.

KURIS: That's a privilege you've earned.

DE SPEVILLE: *I really don't care. Also I know I'm coming to the end of my working life. I still enjoy the work. I go back to Lesotho as I said next month for yet another visit.*

I was going to say to you—.

KURIS: If there is anything else you want to add.

DE SPEVILLE: What I think, what I'm doing now is tending to do more lecturing, more seminars, more whatever, more tutorials, whatever you want to call them. In other words, trying to impart what I have to say on this subject because I have come to realize that actually I know quite a bit about the subject.