

Brief Introduction to the International Association of Anti-Corruption Authorities

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Excellencies, Distinguished Guests, Ladies & Gentlemen,

Speaking as a member of the Secretariat of the International Association of Anti-Corruption Authorities (or "IAACA" as I will hereafter refer to the Association) and on behalf of the Supreme People's Procuratorate of the People's Republic of China, it is my very great pleasure to introduce the IAACA to all delegates to the conference here in Vancouver.

The First Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities, held in Beijing, China from 22 to 26 October 2006, the representatives of the Anti-Corruption Authorities of 137 Member States of the United Nations and 12 international organizations gathered in Beijing, Peoples' Republic of China, and voted Mr. Jia Chunwang, the Prosecutor General of the Supreme People's Procuratorate of the People's Republic of China as the president of the IAACA.

1. Origins and Objectives of the IAACA

Establishing the IAACA was first suggested by delegates attending the December 2003 conference in Merida, Mexico, convened to sign the UN Convention Against Corruption (UNCAC). Delegates at the Merida meeting recognised the need for a specialist, and international anti-corruption body dedicated to assisting implementation of the UNCAC. Indeed Article 49 of the UNCAC advocates establishing joint investigation bodies to encourage more cooperation at the international level between purely national anti-corruption authorities. Models for the sort of role the IAACA can fulfil are afforded, for example, by the International Criminal Police Organisation, the International Association of Prosecutors, the International Association of Judges, the International Bar Association and the World Jurists' Association.

Establishing the IAACA along such lines was further discussed in the course of several subsequent meetings, beginning with the 11th UN Congress on Crime Prevention and Criminal Justice in Bangkok and also at the first Prosecutors General Conference of ASEM, held in Shenzhen, China, in 2005. We also reverted to this topic at a meeting in Vienna last January to draft the rules of procedure for UNCAC, and also in the course of the International Association of Prosecutors executive committee meeting in Kampala, Uganda the following month (February). Strong indications of support for such a body have been received from national

anti-corruption all around the world, and including Argentina, Azerbaijan, Australia, Fiji, France, India, Latvia, Malaysia, Namibia, New Zealand, Pakistan, Romania, South Africa, Singapore, Uganda, United Kingdom, Venezuela and Viet Nam, etc.

An initial draft statute establishing the IAACA, based on the advice of experts from Argentina and the UK was drawn up in the course of the first Prosecutors General Conference of ASEM in Shenzhen in December 2005. This draft was reviewed by experts from Bermuda, Hong Kong, Singapore, South Africa, Sri Lanka and the UK, and also unanimously approved at a special meeting in Vienna last April attended by parties representing some 20 different national anti-corruption authorities. The same draft statute has also been endorsed by the UN Office on Drugs and Crime (UNODC) in UNODC's capacity as custodian of UNCAC.

The IAACA's first and foremost objective is to provide a forum whereby national authorities are able both to strengthen their domestic anti-corruption systems and procedures, and also develop cross-border channels of communication and cross-border institutional relationships. This primary objective for the IAACA takes as its foundation the comprehensive set of anti-corruption standards, measures and rules which the UNCAC prescribes for UN member countries. Implementing these anti-corruption measures that the UNCAC prescribes is likely to prove an arduous challenge for some countries. How effectively each UN member country is able to implement the full range of anti-corruption prescribed by UNCAC is likely to be conditioned by two factors.

Firstly, the internal resources and capabilities of all national governments are ultimately finite. Secondly, where corruption operates across national borders, many additional and self-evident problems arise. These problems arise from differences in national cultures and legal and political systems that differentiate one country from another. Specific examples of such differences relate to different interpretations of what constitutes criminal conduct when assets are transferred from one national jurisdiction to another. Or again, many procedural differences may affect the way different countries go about requesting legal assistance from counterpart governments overseas.

One strong reason for establishing the IAACA has therefore been the drive to reduce, if not eliminate, such inter-jurisdictional obstacles that stand in the way of the international fight against corruption. As noted, the IAACA will seek to act as a forum for open discussion on how best to free up and mobilise whatever mechanisms are needed to combat corruption world-wide. Nor does the IAACA process need to be a monolithic one. Rather it can be stimulated through the IAACA organising, for example, a variety of regional work-shops and conferences bringing together the regional parties who most frequently deal with one another, and focussing on anti-corruption issues most common to that particular region. To this end, the IAACA is very open to the idea of inviting professional and private sector practitioners, with expertise in anti-corruption issues, to take part in such discussions and events. The

IAACA will also lobby national governments to support such a process. Again, the rationale here is that organised and sustained pressure in search of a common objective will yield detectable results in the fight against corruption.

As already noted, the problems which corruption poses for individual home governments domestically are greatly compounded when corrupt parties operate internationally. Where there is such a problem with corruption operating internationally (instanced by the involvement of organised, or bribery of overseas government officials, or the transfer of illegally obtained assets between different countries), it can only be sensible for national anti-corruption authorities to coordinate with one another in their common fight against such corruption. Obtaining evidence from abroad, the arrest and extradition of those suspected of corruption, and the recovery of assets from overseas will all take place much more effectively where there is cooperation between authorities whose national laws and systems may have been abused by such criminals.

A major part of the IAACA's role will be to stimulate and facilitate such cooperation on a direct government to government basis so that it takes place more effectively and frequently than it may have done hitherto. Partly, this may be achieved by participants in the IAACA proceedings agreeing and documenting a framework of codes of best practise and memoranda of understanding for tackling corruption world-wide. Partly also and informally, a better coordinated drive to reduce international corruption may develop naturally through anti-corruption specialists in one country getting to know their counter-part specialists in another country via the forum that the IAACA meetings and events will provide.

Additional sharing of information is likely to be an important feature of any better coordinated fight against international corruption. To this end the IAACA has set as one of its current year projects the compilation of three manuals, dealing separately and for all jurisdictions, with, firstly "International Instruments on Anti-Corruption", secondly "Anti-Corruption Laws", and thirdly, "Anti-Corruption Authorities". These three volumes should provide an invaluable source of information on the way different jurisdictions have structured their judicial and executive resources for combating corruption. Via the association's web-site 'www.iaaca.org', the IAACA will publish a regular dossier of developments pertinent to the international fight against corruption.

As well as facilitating better coordinated requests for legal assistance in combating anti-corruption, and compiling relevant dossiers on anti-corruption law and practice. The IAACA also plans to put together a database covering sources of expert information on anti-corruption policy issues, and investigation techniques. On request, and subject to availability of finance, the IAACA will also put together teams of experts to provide legal and technical assistance in the areas of corruption prevention and detection, and asset recovery. It is envisaged that technical assistance of this nature will be of particular assistance to developing countries whose fight against

corruption may need accelerating due to local constraints on human resources and/or expertise and Treasury support.

None of us I am sure underestimate the scale of the problem and arduous nature of the challenge presented by corruption world-wide. Global problems such as corruption do, however, require globally coordinated solutions and remedies of the sort that the IAACA aspires to facilitate.

2. Nature and Strategy of the IAACA

(1) Active Response to Implementation of UNCAC

Corruption is universally recognised as an evil phenomenon which undermines democracy and the rule of law, violates human rights, distorts markets, erodes the quality of life and permits organised crime, terrorism and other threats to human security to flourish. Nor, despite many parties' best endeavours in the past, does this evil phenomenon show any sign of abating. Corruption therefore continues to infect all countries, big and small, rich and poor.

The fact that the UN Convention Against Corruption (which I will hereafter refer to as "UNCAC") enters into force on 14 December 2006 is without doubt a remarkable achievement. This is, however, only a beginning. Now we must all bend our best efforts to ensuring that UNCAC is implemented as effectively as possible from the outset.

Establishing the IAACA is a pro-active response to the need for UNCAC to be implemented from the outset with maximum effectiveness. Effective implementation of the UNCAC is the IAACA's major objective, working on the comprehensive set of guidelines which the UNCAC provides for deterring, and, as far as possible, preventing corruption. Inevitably a major part of this deterrence and prevention will involve civil codes of conduct for regulating government or private sector business as well as, ultimately, punitive action against those found guilty of corrupt practice. The IAACA will assist this process by encouraging practical and effective measures aimed at strengthening international cooperation between national anti-corruption authorities.

(2) Independent, Non-Political and Professional

I would now like to say a word about what I see as the distinguishing hall-marks of the IAACA, by comparison with somewhat similar international organisations. Article 1.2 of the IAACA's draft constitution clearly stipulates that the Association is to be independent and non-political in the stance it adopts the fight against corruption. It will therefore be a professional, non-governmental and not for profit body. Its institutional members will be the competent national authorities charged, in their respective home countries, with the task of investigating and prosecuting corruption.

The nature of the powers will of course vary from state to state. Some national authorities will have powers to both investigate and prosecute corruption; others will have the power to either investigate or prosecute corruption. Some will be focused on anti-corruption work, to the exclusion of other economic crimes such as theft, or manipulating the stock market; others will deal with anti-corruption work as well as many other economic crimes. One major difference between the IAACA and other international legal/judicial organisations (such as the International Criminal Police Association, or International Association of Prosecutors) will therefore be in the composition of the association's membership. While other such international bodies largely consist of members drawn from the same professional discipline, the IAACA's membership will embrace a diversity of professional disciplines. The common denominator between such professional disciplines within the IAACA will be a shared focus on the need for international cooperation in the fight against corruption.

(3) A Not for Profit Organisation

The IAACA is also a not for profit international organisation. The association's funding comes mainly from donations, with the principal such present donor being the Government of China. Going forward, other such governmental donations will of course be welcome. Both institutional and individual members of the IAACA will pay annual dues on the basis of an equitable assessment of what their right level is. I believe such dues should never become an excessive financial burden on any one institution or individual member. In such cases we will consider whatever exceptional circumstances apply and waive or reduce such dues accordingly.

(4) Annual Conferences

The IAACA's annual programme already includes some significant projects. Our first priority is to put on a firm footing arrangements for a series of future annual IAACA conferences. Such annual conferences have a key role to play in establishing a process of dialogue whereby national anti-corruption authorities will be able to discuss, communicate, collect and share information and experience. Delegates with expertise in the field of combating corruption will be equally welcome whether from countries with well-established anti-corruption authorities, or from countries where such authorities have only recently or not yet been established.

The Supreme People's Procuratorate of China, being one of the most important anti-corruption authorities in China is fully prepared to use its best endeavours not only to hosting this year's conference but also to host the second annual IAACA conference in China with the general theme of "Direct International Cooperation Against Corruption". Participants are encouraged to come to the IAACA's conference, bringing their ideas, suggestions and experiences to share with other IAACA members. Notwithstanding the considerable amount of work involved in organising such conferences, such is the importance of their subject matter that I am confident other members of IAACA will be keen to host future annual conferences.

(5) Information and Database

Further to the IAACA's ongoing work programme, the Association has particularly noted the absence of any compilation, or database covering national and international laws in relation to deterring, investigating and prosecuting corruption. Following a good deal of research, the IAACA staff have therefore already collated for publication a substantial body of existing international anti-corruption instruments and laws from different jurisdictions, as well as background material specific to various national anti-corruption authorities. This is, however, only a beginning our ultimate objective is to provide IAACA members with a comprehensive updated legal database on matters relating to the fight against international corruption. This database will be kept up to date through continuous dialogue between IAACA staff and individual IAACA member countries.

An IAACA web-site is already in existence. Its content is in English and of necessity so far somewhat limited in scope. We would therefore encourage all IAACA members to visit the web-site, review what is on it and help expand the its content by contributing further material setting out the nature and extent of anti-corruption legislation and executive action in their respective home jurisdictions. So far as concerns having the web-site text in additional languages besides English, we are contemplating having Russian and Chinese texts with additional languages being added later on. Publication of web-site material of the sort referred to above will provide IAACA members with a database on a wide variety of anti-corruption corruption legislation and case law. Other information of a forensic nature (finger-prints, passport details etc.) may also be included on the web-site as it develops.

(6) Professional Training

Further important facets of the IAACA strategy will include professional training programmes in the field of anti-corruption work, and mutual exchanges of personnel to broaden the expertise of such personnel in this sort of work. In China, we envisage establishing an international exchange centre for the further training of staff in the strategy and techniques of anti-corruption investigation, prosecution and general prevention. It is envisaged that the centre will be staffed by people having a particular expertise in the strategies and skills that have proved most useful in combating corruption around the world. Anti-corruption staff from the IAACA member countries will be welcome to attend the centre to receive professional training. Such training, and accommodation during the time it takes place, will be provided free of charge, meaning that those attending will only have to bear to cost of travel between China and home country.

(7) International Cooperation Against Corruption

The IAACA's long term strategy is to set in place the appropriate machinery for combating corruption globally. In certain instances constraints imposed by national jurisdictions tend to stand in the way of fully effective investigations into corruption world-wide. Examples of this problem can be found in the sort of obstacles that national anti-corruption authorities encounter in tracing both suspects who have absconded from their home country as well as the assets they may have taken with them. The process of seeking evidence from abroad regarding such criminal activities is often unduly complicated and protracted in the time it takes. Delays arise due to the problem of finding ways through unfamiliar political and legal systems while operating in a foreign language. It may take months or even years to complete the procedures required for obtaining such legal assistance abroad. Not infrequently cases get abandoned due to such delays.

The IAACA will therefore hope to adopt an increasingly active role in promoting direct international cooperation in extradition, mutual legal assistance and asset recovery. In the longer term the IAACA is considering setting up an international Coordination Centre to provide emergency back-up where undue problems arise in obtaining an international arrest warrant, or in the freezing and seizure of assets believed to represent the proceeds of corrupt practise. The IAACA also hopes to formulate a set of policy guide-lines on direct cooperation between countries in order to combat corruption more effectively. This is likely to be an extremely challenging task as different parties may well have widely differing views on the feasibility of such international cooperation against corruption.

Finally, I would like to welcome you to attend The Second Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities, held in Bali of Indonesia from 20 to 23 November 2007.

I would like to thank for your courteous attention to what I have had to say on these matters. Thank you very much.