

A Global Forum on Fighting Corruption  
Remarks by Under Secretary for Global Affairs Frank E. Loy  
Thursday, February 25, 1999  
Organization of American States

Good afternoon. It's a great pleasure to be with all of you today. It seems that tickets to this conference have become a much hotter commodity than we expected. But I can assure you with absolute certainty that no one had to pay a bribe to get in.

We've been talking the last couple of days about the importance of fighting corruption and the many benefits that accrue from that fight. But I want to talk today about a broader theme - that of the rule of law and its importance.

No anti-corruption strategy, no matter how well-designed and well-intended, can succeed without a broader commitment to two overarching requirements: The first is an independent judicial system based on a rule-of-law regime. And that includes the concept of due process and the principle that the rule of law applies equally to everyone - from the poorest and least-privileged among us to the highest echelons of government and society. The second requirement is a government that is open, accountable and transparent. Here in the United States we often refer to this idea as "Government in the sunshine."

Some of you may be familiar with the International Crime Control Strategy that President Clinton released last year. The President spelled out a series of very specific goals, one of which is to "foster international cooperation and the rule of law." I want to talk a little about that today,

because it really defines my agenda - my marching orders, if you will - as the Under Secretary with responsibility for our rule-of-law policies.

The President's strategy spelled out three objectives for furthering the goal I just mentioned.

One, we should try to establish a commonly-accepted code of global standards for fighting international and trans-border crime. And once it's established, we should very actively encourage compliance with it.

Two, we should improve our bilateral cooperation with foreign governments by increasing the quantity and quality of our collaborative law enforcement efforts with them - and the training and technical assistance that we can offer them.

And **three**, we should strengthen rule of law's position as the foundation of both democratic governments and free markets that are, if not free of corruption, at least well-insulated against it. That means, among other things, that court systems must be able to function independently so that all people can be confident of fair and equitable treatment. They won't get off, maybe, but they'll get a fair hearing.

This third objective is, perhaps, the most important one, particularly as it applies to newly-emerging democracies or countries trying to rebuild their democratic institutions in the aftermath of civil conflict. These countries, as we have seen, are particularly vulnerable to corruption and trans-border crime.

There is a common theme that runs through all these objectives: it is that erecting laws and institutions as barriers against corruption is not in itself enough. Laws and institutions can't work very well in a society that doesn't also have a culture of trust and an atmosphere of openness and accountability.

Here in the United States, we've been working at this for better than 200 years. Certainly, no one would say that we've got it just right. But we do have two centuries of experience, and we're eager to share it with countries that share our commitment to the rule of law.

To that end, my friend and boss, Madeleine Albright, has made rule of law an integral part of her agenda as Secretary of State, a commitment her predecessor, Warren Christopher, articulated, and that she has made a central feature of U.S. foreign policy.

Secretary Albright's interest in this derives from two sources. First, she understands the centrality of the rule of law to so many of our most important foreign policy goals: promoting democracy and human rights, building free and fair markets, fighting international crime and terrorism. Second, she and Attorney General Janet Reno saw that a growing proportion of our international assistance was going toward rule of law objectives - training law enforcement agencies, assisting with judicial reform, providing advice on legislation - but without a coherent strategy for applying this assistance.

So, with that in mind, the Secretary this year created a new position in the State Department - that of the Senior Coordinator for the Rule of Law. And we have filled that position with a highly qualified, highly capable gentleman by the name of Joe Onek, who is here today and whom I encourage all of you to get to know.

Joe's role here has several parts. One is that he will pull together and coordinate the rule-of-law efforts of the various bureaus here in the State Department and other U.S. Government agencies. The goal is eventually to produce a blueprint that all U.S. government agencies can refer to as they work on our international rule-of-law programs.

Second, He'll develop our rule-of-law strategies for a few specific countries, with the goal of helping this government focus its scarce resources where they can do the most good. And lastly, Joe is our principal liaison to the NGO community and to businesses and governments that share our goals. Obviously, he's a very busy guy, so don't be offended if he doesn't return your phone calls right away.

I don't want anyone to think that our appointing a Rule of Law Coordinator this year means we weren't already working on rule of law issues. In fact, we've been quite active on this front for decades all over the world.

In some Latin American nations where, historically, a lot of crimes have simply gone unpunished, we have actively supported governmental efforts to make their criminal justice systems more aggressive and more punitive. Needless to say, a laissez-faire approach to crime

and punishment has a terribly corrosive effect on citizens' confidence in their leaders. So we're quite pleased about the progress that governments in this hemisphere have made.

Earlier this month in Guatemala, for example, three men were sentenced to 20-year prison terms for an atrocious attack on a group of American college students just a year earlier.

In 1996, the Organization of American States oversaw the adoption of the Inter-American Convention against Corruption, which, among other things, requires its signatories to criminalize cross-border bribery of public officials. Twenty-five countries have signed the Convention and 13 have ratified it. President Clinton submitted it to the Senate last year, and we're hoping for ratification very soon.

Then, at last year's Summit of the Americas in Santiago, heads of states from throughout the Americas put together a clear and comprehensive "Plan of Action" for stamping out corruption in our hemisphere.

In the newly independent states of the former Soviet Union and the former Eastern Bloc, where organized crime has taken root and flourished, we have put in place several rule-of-law assistance programs.

In Romania, we're working with the government to design and implement a long-term anti-corruption strategy and to strengthen its capacity to fight organized crime.

In Bosnia, the United States has contributed 200 police officers to a UN police task force that monitors the work of local police and teaches them how to use *democratic* police procedures. I cannot overstate the importance of this. You know, for the average citizen, the cop on the street is his first and maybe only point-of-contact with government. If that cop is crooked, if he's mean, if he's unfair or just uncaring, then that citizen may well adopt a very grim and cynical view not just of that officer, not just of the police department, but of the whole system of government.

TALK ABOUT MAYOR OF PALERMO HERE

Before I conclude, I'd like to leave you with some questions to ponder in your panel discussions this afternoon. As you talk about corruption in the context of the military, the judiciary, law enforcement and other organs of government, I'd ask you to consider the following:

- How can we, as governments, join forces to bring about change? What can we do together, bilaterally and multilaterally?
- What are some concrete steps we can take after we leave here today?
- And how do we, each of us, address corruption at both the domestic and international levels?

So, with that, I'll say thank you again for coming and enjoy your lunch.