

7. Upholding Integrity Among Justice and Security Forces

1. Establish and maintain systems of government hiring of justice and security officials that assure openness, equity and efficiency and promote hiring of individuals of the highest levels of competence and integrity.
11. Promote, encourage and support continued research and public discussion in all aspects of the issue of upholding integrity and preventing corruption among justice and security officials and other public officials whose responsibilities relate to upholding the rule of law.

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The text of a paper by Dr. Moskos entitled “De-Corrupting Justice and Security Forces” may be found in part XVI of the Appendix.

Dr. Moskos said that the presence of so many participants at this conference demonstrates the strength today of interest in the issue of whether anything can be done to stop things like “narco-corruption” or “kleptocracy”, new words that had entered the international lexicon.

There has been a good deal of research done on corruption involving business and economic interests. Very little has been done on judges and security officials. This is surprising, since punishing other criminals depends on having honest courts and officials to try them.

It had been said at this meeting that a decent salary and pension were necessary for security officials to be honest. Yet there was little valid information on earnings of police officers in most of the world. It is certain that far too many do not enjoy a decent living on their official salaries. Yet even in countries where police were relatively well-compensated, like the United States, police corruption still exists. Obviously, an adequate salary was a necessary, but not a sufficient, condition for official probity. Does every man have his price? Clearly, a number of factors entered into the answer. However, an adequate salary, and pension to provide assurance of retirement, were requirements.

1.1 Systems for equitable compensation adequate to sustain appropriate livelihood without corruption.

If one asked most people in the world whether they would rather be immensely rich as a drug lord, or have a decent living as an honest person, how would they reply? He offered the proposition that enough people would prefer a decent honest living to immense criminal wealth to sustain a system of public official integrity.

What constitutes a decent living? This might have a number of answers. He suggested that one test should be that a senior police or military official should have at least as much income as a plumber. In most societies, plumbers were reasonably well-off. Yet in too many, senior officials of security forces actually earned less than a man that fixes toilets.

Participants at this meeting had been asked to consider success stories in fighting official corruption. A number of such successes clearly exist. In the United States during the 1920's, the period of Prohibition, when alcoholic beverages had been illegal, had led to substantial corruption of law enforcement officers. Yet in Chicago, his native city, this had been followed by replacement of political hacks with career officials, increases in salaries combined with sustained investigation and prosecution of corrupt officials. While much about Elliott Ness was legend, that man had been a real official, who was instrumental in cleaning up official corruption in Prohibition Chicago. Chicago residents had been amazed when ultimately, the best-known Chicagoan of his time, the crime boss Al Capone, was brought down by honest Federal law enforcement agents.

Outside the United States, success stories existed in Hong Kong, whose example had been substantially emulated with similar success in Singapore. In Haiti, with training and economic subsidies provided by the United States, a new police force now included many of the best-paid officials in the country. It was not perfect, but assurance of a decent salary and adequate professional training have provided Haiti with what is generally recognized as the most honest and efficient police force in the country's history. As the Director had observed at this conference, Panama had substantially reduced corruption in its immigration agency, and one means of doing so had been to hire more women to fill jobs previously held by men.

This raised the interesting question for research of whether women were innately more honest than men? Researchers had noted that male police officers were typically resistant to accepting women in comparable jobs, and that one of the reasons for such resistance was that women were less likely to be susceptible to bribery than men. Ms. Yam of Hong Kong had noted that one indicator of the extent of corruption among male officials was the number of mistresses they maintained. Might one reason for the relatively lesser susceptibility to corruption among women be their relatively lesser involvement in affairs of this nature?

What, then, were the cultural factors that predisposed officials to honesty or corruption? He suggested three levels of analysis.

At the individual level, he suggested that it was necessary to go beyond the accepted models of economic man to determine the factors that influenced behavior, since it was often difficult or impossible to adequately quantify or place an economic value on factors like ethics or integrity. Yet non-economic values clearly existed and were potent influences on human behavior. Consider for example the fact that virtually all people dealt with members of their families differently than with others. How many, for instance, would turn in a family member, even for corruption or other serious crime? Even the deadly Unibomber's having been given up to authorities by a family member had struck many people as unusual and noteworthy. This had no demonstrable economically determined basis, but factors of this nature clearly entered importantly into official behavior.

At an organizational level, it is important that practices such as personnel recruitment, training, promotion and advancement policies, be structured to promote integrity. Taking some issue with a concept popular in the United States today, he suggested that the idea of "vetting" foreign law enforcement personnel, then providing extensive specialized training, was insufficient. Without further personnel policies and measures, including continuing adequate compensation, all that such procedures did was to create officials, many of whom would ultimately employ the training they had acquired to earn better compensation from criminal organizations. Rather, one might perhaps examine the feasibility of some sort of internationally guaranteed hard-currency pension system, perhaps in cooperation with the World Bank. This could provide law enforcement officials with an assurance of a hard-currency retirement income, as was the practice of the United Nations for its employees. United States Secretary of Energy Richardson had recently suggested that the Russian officials responsible for providing security for Russian nuclear weapons might be paid by the United States. It might be more acceptable to examine the feasibility of some multilateral approach, but innovative approaches to assured personnel compensation were one very important area for further study.

At the "macro" society level, one must not omit consideration of the impact of efforts by self-sacrificing leaders. If a nation's leaders did not offer a visible example of public integrity, it was difficult to comprehend how lesser officials could be expected to maintain it. In Eritrea, for example, he understood that there had been a reduction in corruption in the country due in large part to the impact of the example of a president that followed a modest, unassuming lifestyle.

One must also consider what happens to officials that are discharged for corruption. The Biblical injunction to "go and sin no more" was insufficient basis

to suggest an answer to the question of whether an individual once corrupt should be considered always corrupt.

There was a need to examine the structure of organizations to provide internal checks, while recognizing that some discretion for officials is imperative. He was not attracted to the absolutist concepts implied by phrases like “zero tolerance”, for instance, as they suggested ignoring the need for some discretion. In the

2.4 Managerial mechanisms that enforce ethical and administrative standards of conduct.

Netherlands, where official corruption was not generally perceived as a major issue, authorities had introduced an “Integrity Game” to test responses of police to real-life situations. In one example, police were asked whether they should accept a modest tip offered by a motor vehicle accident victim that they had driven home. The book said no, but virtually all police said they would take the tip. The need to accommodate responses to the circumstances of the real world must be recalled.

Further to comments at the previous day’s session on whistleblowers, it was also necessary to address the issue and consequences of false accusations, and how to protect institutions and individuals from the damaging effects of personally-inspired false charges.

2.11 Mechanisms to support officials in the public sector where there is evidence that they have been unfairly or falsely accused.

With these and similar issues, he had tried to suggest some elements of an agenda for further academic and professional research and analysis on issues of integrity and corruption among justice and security officials. He hoped that governments and concerned institutions could pursue such an agenda after the conclusion of this conference. During the Cold War, the world had seen itself broadly divided between left and right. The great division of the world today was increasingly becoming recognized as that between the honest and the corrupt.

Vice President Al Gore, Chairman

The Vice President expressed appreciation to officials that had moderated conference sessions or participated in related events.

He said that Dr. Moskos’ presentation, which had just concluded, was quite similar to a written presentation of these ideas that Dr. Moskos prepared in a paper on “How to Clean Up Foreign Militaries”. Reading and thinking about this paper was one of the things that had led him to the concept of an international conference to address more broadly the questions of how to ensure corruption-free justice and security institutions of government.

Dr. Moskos had suggested that one approach to this issue was to provide adequate analysis of personnel factors such as compensation, benefits and

related issues and the manner in which they create incentives or disincentives for corruption or integrity among justice and security institutions. He looked forward to hearing more success stories of approaches that offered promise as the conference continued.

Dr. Juan Rial
PEITHO
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Dr. Rial observed that the countries of Latin America now found themselves in what might be called the post-post-Cold War period. This was a new time, in which the new war on corruption had assumed particular prominence. There had always been corruption; he quoted Lord Acton's dictum that power corrupts, and absolute power corrupts absolutely. However, the questions of how to control or fight corruption had assumed a new prominence in recent years.

The Latin American countries found themselves economically seeking to respond to the vast technological changes. Emerging economies faced particular problems in adapting to the new circumstances of economic globalization. This was especially true in Latin America, where the period was characterized by growing recognition that the populist states of the past were impossible to sustain. This created an entirely new situation for armed forces and police forces in that adapting situation.

In most of Latin America, most people saw petty bribery, for example paying a policeman to avoid a traffic ticket, as normal. It is contradictory that people are at the same time unwilling to tolerate the larger-scale corruption that once characterized political leaders, senior army officers and the like, but this is nonetheless the case. In part, the perception of corruption as a greater problem in recent years is an artifact of the increasing freedom of the press. For a free press in a market economy, good news is no news – the press must find scandal to sell. To some extent, the perception of spreading corruption may be a factor of its sensational presentation by the media.

However, when confronted by the challenges of a global market economy without durable public welfare institutions, the people of a country could face a major problem. In Denmark, for example, there was an assurance of real welfare for the majority of the population. That was not true of Latin America, where the institutions that seemed to be those of a welfare state in the past were disappearing. Nevertheless, the region must continue to adapt to the new context of global capitalism.

In Latin America, it is necessary to recognize a substantial difference between armed forces and police, even where these institutions might be parts of

the same entities of governments, and the military forces were generally in a situational crisis. Wars between states in the region has become rare or nonexistent – even the recent military confrontation between Peru and Ecuador had been little more than a border skirmish. Hence, the traditional missions of armed forces were increasingly not relevant, but armed forces wished to continue to exist. For this reason, they found it necessary to redefine their missions. The new missions normally related to guerillas, but in Latin America, those guerillas very often were a new form of criminal guerillas. By comparison with traditional missions, the temptation for armed forces engaged in such new missions to become involved in corruption greatly increased.

A further factor affecting Latin America is the fact that the region has become heavily and increasingly urbanized, in huge metropolitan areas like Sao Paulo or Mexico City. In Peru, fully a third of all Peruvians lived in Lima. In these huge urban areas, criminal activity dramatically increased, and this increase showed no signs of abating.

Moreover, new missions for armed forces and activities of police often involved people who did not think their activities were criminal. Peasants in the Huallaga region of Peru, or in Bolivia, who grew coca, for example, considered this a part of their normal way of life. They considered that the criminal element entered into the process at the next stage, of actual drug trafficking. It became a serious problem for armed forces or police to have to repress people under such circumstances.

As one consequence of the adjustments of their national economies to new international realities, nations were often reducing government spending on all aspects of armed forces, including salaries, equipment, the pension system, social programs and the like. Consequently, the best people no longer sought positions in the armed forces or police; increasingly, applicants came from the lowest socio-economic categories, and very often they sought not to serve their countries but to get a job. This made it impossible to sustain the orientation of a force whose original purpose called for service to the country.

Very significant disparities have arisen between the compensation of senior officers of armed forces and that of comparable civilian capacities. He cited a study by an accounting firm that reported that in Argentina, the general manager of a major commercial enterprise had average annual earnings of approximately \$250,000, earnings of a computer systems manager averaged \$100,000, the commander-in-chief of one of the armed services about \$40-50,000 and the chief of police \$35-40,000. In Bolivia, the general manager of a major enterprise had annual earnings of about \$55,000, the commander of the army about \$15,000 and the chief of police \$10,000. In Nicaragua, the president of the country's annual salary was about \$10,000, that of the army commander \$500, a captain in the army \$280 and a private \$50. Such disparities in earnings contributed to the incidence of corruption.

One suggestion to address the problem of corruption among armed forces and police in Latin America might well be to consider the idea suggested by Dr. Moskos, the creation of an international fund for pensions for such officials.

1.2 Systems which provide assurance of a dignified retirement without recourse to corruption.

Latin America had growing experience with regionalization, in institutions such as Mercosur, NAFTA and others. The region offered a good prospect of serving as a trial area for the establishment of such a regional security forces pension concept that could contribute substantially to the struggle against corruption.

Finally, he recommended strongly that the need be addressed to more generally rebuild the depleted social capital of the region, through investing strongly in education and the promotion of free and active media.

Prof. Dr. Anton Bebler
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Dr. Bebler said that a decade ago, when it was recognized that the centrally planned economies that had characterized the countries of Eastern Europe had to go, there had been some hope that many of the abuses and problems of the authoritarian systems, including corruption, would be eliminated with them. This hope had not proven well founded. Corruption was alive and well in Eastern Europe.

It was not possible to say with precision whether corruption had actually increased following the end of the Communist systems. There was a general perception that there had been an increase, but much of this was probably due to the new freedom of the media to expose corruption, and its competitive incentive to do so. In terms of perceived corruption, in indices like that prepared by Transparency International, Eastern Europe appeared more corrupt than Southern Europe, and only somewhat less so than the Middle East, North Africa or Latin America. However, there were substantial divergences among individual countries in the region, some of which were perceived as comparable to the countries of Western Europe, while others were close to the world champions of corruption.

In the current situation of corruption in this region, there were elements of both continuity and discontinuity with the Communist regimes that had been superceded. Some current abuses resulted from elements of continuity with the previous regimes involving preserved structural aspects of authoritarianism, that had assumed a democratic disguise and adjusted to conform to the new

environment of pluralism. These included bureaucratic structures of control, excessive controls on economic activities, and weak traditions of accountability for official actions within executive branches and to parliaments and publics. Some aspects of cultural or social norms that tolerated an underlying structure of petty corruption actually antedated the Communist regimes and continued to exist. In other respects there were substantial discontinuities. The result was in many respects contradictory.

Some types of corruption had lost importance or disappeared in the new situation. These included corruption related to bureaucratic abuses of chronic shortages of material goods, or severe restrictions on travel, entrepreneurship and communication. In other respects, privatization and marketization increased the temptation of officials to corruption. Increasing ease of interstate communication made it far easier to export or conceal the proceeds of corruption. The hunger for expensive material goods and quick enrichment was amplified by a decay of traditional social norms, religious and ethical structures, and by the elimination of the rigid value systems of the Communist regimes. Replacement of those strictures by a raw form of capitalism and materialism strengthened the proclivity to corruption, especially among lower-paid state officials.

10.3 Systems to facilitate and accelerate international seizure and repatriation of forfeitable assets associated with corruption violations.

Turning to political aspects of corruption, there had been a change. Formerly, the region had been characterized by concealed, bureaucratic abuses by one-party systems. Now, multiparty participants in democratic systems competitively engaged in corruption. Whether this was progress he left to the listener.

The most disturbing new phenomenon in the region was the widespread growth of organized crime and its increasing impact on police and security forces. Drug trafficking, introduction of foreign corrupt business practices in the course of free market economic activity, organized trafficking in migrants, babies, human organs and other forms of organized crime had ceased to be rare. There was a general greater leniency in the application of criminal sanctions by judicial authorities. In part, this was intended to compensate for the effects of previous harsh repressive regimes, but it had also created a more hospitable climate for corruption and organized crime.

8.2 Laws providing for substantial incarceration and appropriate forfeiture of assets as a potential penalty for serious corruption offenses.

Moreover, the proliferation of small private enterprises in fields where the expertise of security forces personnel is relevant had increased the alternatives available to members of the security forces to find alternative employment if dismissed removed the previous fear of being caught in corruption. There was also a feeling of psychological income deprivation. Salaries for security officials

in the region generally ranged between \$300 and \$1500 monthly, but had been supplemented by a wide range of fringe benefits. There had been reductions in those fringe benefits, without corresponding increase in cash compensation. This led to an increasing feeling of financial deprivation, especially by comparison with an increasingly well-off private sector. Moreover, reduction in security budgets combined with increased opportunities in the private sector had led to mass resignations from the security forces, particularly in Hungary and the Czech Republic.

The greatest opportunities for large-scale corruption in the region generally arose from state activities relating to the privatization of state property. Of the justice and security officials, only customs officials generally had functions that placed them close to these processes. This accounted for the fact that in one Eastern European country, an individual reportedly must pay about \$10,000 for appointment to a position whose monthly salary was about \$300, making it obvious that the funds for the payment were recouped by corruption.

Moreover, the rise and fall of security forces and the status of their personnel was inevitably related to political issues including the rise and fall of states. Within a decade, several states and their security forces had disappeared. There had been armed violence and sanctions. Each of these events had led directly to increased traffic in illegal arms and munitions, drugs and other contraband, with resulting opportunities for corruption. Economic and social stability were highly desirable for fighting corruption, and this was not the circumstance that had prevailed.

In some states of the region, there had been disturbing indications that police forces had become systematically penetrated by corrupt association with organized crime. Transnational car theft, for example, was functioning so efficiently in some countries as to clearly suggest collusion between the criminals and the country's police authorities.

Armed forces were institutionally more remote from these forms of corruption, but individual members of armed forces often engaged in acts of corruption such as the diversion or sale of material, fuel or other property, often to criminal organizations. Moreover, there were substantial opportunities for corruption in public procurement, and military procurement was often a fruitful source of corruption for senior generals or civilians responsible for the process. Most countries of the region had coalition governments, and participants in those coalitions often sought control of defense ministries precisely to position themselves to exploit these opportunities.

3.5 Prohibitions on improper personal use of government property and resources.

The difficulties of corruption in Eastern Europe were only partly a consequence of the tensions and imbalances of post-Communist transition. This

was evident from the extent of variation among countries in the region of the incidence of corruption. There was also great variation in the extent to which corruption in different countries was recognized as a problem in societal and governmental terms. Moreover, there had been no coordination of efforts against corruption at the level of the region. There had been some coordination on legal aspects in some multinational organizations, such as the World Trade Organization or Council of Europe. There had been some overviews at this conference of the various instruments that might be used, but there appeared to be little empirical study of the relative actual effects of corruption on the various states in the region.

Taking account of circumstances that exist and measures already in place, the following were sets of measures that could be recommended to enhance anticorruption efforts in justice and security forces of the region:

- (1) Raise public awareness, and strengthen controls over security forces by accountability to parliaments, publics and the media, sustain an active free press, including enhanced attention to research on corruption;
- (2) Assure that entrance conditions, training, career development practices strengthen devotion to duty, morale and the ethic of service to country that led to individual and corporate integrity;

2.5 Systems for recognizing employees who exhibit high personal integrity or contribute to the anti-corruption objectives of their institution.
- (3) Reduce incentives for corruption by improving work conditions, providing decent salaries, appropriately adjusted for inflation, and assuring maintenance or substitution in nonmonetary rewards including fringe benefits, providing adequate conditions for individual professional satisfaction and individual and corporate self-esteem, maintaining retirement benefits (in contrast to a recent effort in Poland to lower such benefits);
- (4) Strengthening systems of internal controls and audits, practicing regular and unanticipated rotation of officials, restrict business opportunities for security officials and prevent lucrative second career opportunities for those dismissed due to corruption;

3.3 Limitations on activities of former officials in representing private or personal interests...using confidential knowledge or information gained during their previous employment as an official.
- (5) Enact codes of conduct for all state officials, and induce political parties and chambers of commerce to adhere to anticorruption codes;
- (6) Punish more severely for bribery and corruption;

- (7) Establish specialized agencies and groups of officials responsible for combating corruption in the security forces and the public sector, providing political autonomy and exercising special vigilance to avoid the introduction of corruption into these bodies;
- (8) Completing and strengthening the regime of international conventions against corruption;
- (9) Strengthening regional day-to-day practical cooperation by executive branches for action against corruption, and establish a system for relationships among specialized anticorruption bodies, perhaps similar to the design of the Egmont group in money laundering;
- (10) Provide international technical assistance to countries in the region to strengthen the capability to identify and punish corruption.

