

THE DURBAN COMMITMENT TO EFFECTIVE ACTION AGAINST CORRUPTION

WE, the 1,600 participants at the IXth International Anti-Corruption Conference, drawn from 135 countries, addressing the theme "Global Integrity: 2000 and Beyond", held in Durban, South Africa, from 10 - 15 October 1999, recognise that corruption is a phenomenon that is one of the most debilitating legacies of the twentieth century.

On the eve of the Third Millennium, we recognise that unless the scourge of corruption is combated effectively, the world beyond the year 2000 will be one where poverty (already at unacceptable levels) is deepened even further; the legitimacy of governments further eroded; human rights abuses proliferate; and the democratic gains of the past 50 years will be destroyed.

Drawn from government, business, civil society and international organisations, we came to our conference to participate not as representatives of institutions and organisations, but as concerned individuals united in our desire to serve humankind. We came to engage in an open and honest appraisal of progress made, difficulties encountered, the challenges we face and our responses to them. Thereafter it is for us to carry forward in all our countries and institutions the tasks we now set ourselves.

As we stated in our Lima Declaration, corruption is an evil that threatens and challenges all people around the globe, but bears with special cruelty upon the world's most poor. It deepens poverty; it debases human rights; it degrades the environment; it derails development, including private sector development; it can drive conflict in and between nations; and it destroys confidence in democracy and the legitimacy of governments. It debases human dignity and is universally condemned by the world's major faiths.

At the same time, we reaffirm our conviction that a successful campaign against corruption demands the full participation of all sections of society, including most importantly civil society and, with it, the business community. It is our core belief that no government can hope to tackle corruption effectively without the active support and involvement of its citizens. For ourselves, we accept it as our solemn duty to combat corruption effectively whenever and wherever it is taking place.

Meeting here on the African continent for the first time, we were moved by the special contributions made by our African colleagues, as they shared their own insights into a malaise which they share with all regions of the world. We join in their conviction that South Africa and Nigeria have major leadership roles to play in the continent's struggle.

We were honoured to have our proceedings opened by H.E. Thabo Mbeki, President of the Republic of South Africa, who in a challenging and stimulating address outlined the dimensions of the challenge we face. Recalling an observation by George Soros, he observed that "There is something wrong with making the survival of the fittest a guiding principle of civilised society..." In President Mbeki's words our task is no less than to ensure that "legitimate and democratic states...[evolve] the social norms that militate against a perverted, anti-social individualism..."

We were also honoured with addresses from distinguished speakers from all sections of public and private life who included H.E. Festus Mogae, President of Botswana; James Wolfensohn, President of the World Bank; Chief Justice Mustafa Kamal of Bangladesh; Mark Malloch-Brown, Administrator of the UNDP; Ronald K. Noble, Secretary-General designate of INTERPOL; and Robert Wilson, Chairman of Rio Tinto plc. UN Secretary-General Kofi Annan and US Vice-President Al Gore (who had convened an international anti-corruption conference in Washington in February) sent us messages of encouragement and support. The address by Ms Wangari Maathai of the Greenbelt Movement (Kenya) was an inspiration.

The Hon. Penuell Maduna, Minister of Justice of South Africa, presided skillfully as our Conference Chairman and H.E. Joseph Zuma, Deputy President of South Africa, closed our proceedings.

We stood in silence as a mark of our respect for Mwalimu Julius Nyerere, former President of Tanzania, who passed away during our proceedings and who had hoped to be with us. We all shared in Africa's loss of an independence leader of the highest integrity.

Ours was essentially a working conference. In the course of the week we attended no fewer than 41 separate workshops. Each addressed practical steps to be taken against corruption in fields as varied as money- laundering, public procurement, public education, business and public sector ethics and public awareness raising through the performing arts. Each produced sets of practical steps that can and must be taken as our campaign proceeds. These will be widely publicised to the groups and interests to whom they are addressed and placed on the Internet (www.transparency.org). We shall encourage and carefully monitor the progress made, and will report fully to the Xth IACC in 2001.

Repeatedly we reminded ourselves that combating corruption is not a task for law enforcement officials alone, nor even a task that is principally theirs. Every prosecution, every act of corruption, represents a failure of our personal, social and organisational systems designed to prevent such conduct. We reminded ourselves, too, that "the hand that gives" is at least as culpable as "the hand that takes". Every failure to recover the proceeds of corruption serves to feed its growth.

While there are actions required from all at the international level, the struggle to contain corruption at the national level is essentially a domestic task, and the fight must come from within. External actors, including donors, can assist this process, but for it to be effective and enduring it must be locally owned, devised and driven.

In this context, as in others, we were reminded of the holistic nature of our undertaking. None of us works in a vacuum, and all of us must work with, and support, others if our task is to be accomplished.

In the course of our work together we took stock of the achievements of our coalition since our deliberations in Lima, Peru in 1997 and where our global coalition assumed such substance.

Much has been accomplished, but much remains to be done, especially to institutionalise the fight against corruption in civil society at large, as well as transparency, accountability and integrity in international and local organisations.

At the international level, perhaps most noteworthy have been the achievement of the OECD Convention Against the Bribery of Foreign Public Officials in International Business Transactions (which now needs to be further extended and rendered fully effective and to which we were pleased to learn South Africa will soon become a party); the actions taken by some developing countries as they increase their ability to co-operate against corruption; the further progress made with the Council of Europe anti-corruption conventions (both criminal and civil); the support for our endeavour from international agencies has grown significantly (including action within the World Trade Organisation); actions have been taken by the International Chamber of Commerce to promote anti-bribery practices; multi-lateral development banks in particular have started to name, shame and exclude corrupt contractors from bidding for the projects they fund; and professional associations are taking an increasing interest in our topic.

At the national and local level, the number of Ombudsmen offices has grown significantly; exporting countries have started to end tax deductibility for bribes and to criminalise overseas bribery by their exporters; a growing number of countries have started to adopt and execute the holistic anti-corruption strategies we have been recommending; increased attention is being given to the protection of complainants and witnesses; and the number of codes of conduct and Citizen's Charters continues to grow.

None of this is to suggest that we have only made progress. Clearly, in some countries the movement has been minimal, at times negative, and journalists in particular continue to be exposed to unacceptable risks as they go about their legitimate tasks. So while we are encouraged by our progress we acknowledge that our Lima Declaration will continue to be our working tool for some time to come. We also renew our hope, expressed at Lima, that in due course consideration will be given to the United Nations designating an international day of action for integrity.

Against this background and as we enter a new century,

WE SOLEMNLY COMMIT OURSELVES to the following courses of action:

Political will

We will work with all stakeholders to foster meaningful political will to confront corruption, and in ways which involve all sections of society. As we are convinced

that civil society has a crucial role to play, we were delighted with the announcement made by the UNDP to our conference that it will support a Partnership Fund, an initiative of Transparency International, which will serve to empower more meaningful participation by civil society in all these processes.

Innovations and emerging good practices

We will develop, identify and publicise novel, imaginative and effective examples of good practice in preventing and detecting corruption, such as the example in open public tendering presented to us by the Mayor of Seoul. To this end we will develop websites and information networks.

International and regional co-operation

We will work to maximise regional and international co-operation in the fight against corruption in practical ways, strengthening mutual legal assistance arrangements and fostering the development of anti-corruption conventions for the African and Asian regions. We wish to see the broad subject of combating corruption brought on to the agendas of the major international trade organisations, WTO and UNCTAD.

Additionally, we will work to achieve full implementation of the OECD Convention Combating the Bribery of Foreign Officials, and the anti-bribery conventions of the Council of Europe and the Organisation of American States (OAS) so that country efforts are supported by supply-side sanctions. Monitoring will be a vital element to promote consistency and co-operation. We will support actions at the United Nations to encourage the criminalising of all forms of corruption, and we will enlarge an understanding that both the supply side and the demand side of international corruption must be attacked.

We welcome the scheduling of the Second Global Forum on Fighting Corruption and Safeguarding Integrity Amongst Justice and Security Officials in The Hague in 2001, a governmental forum which can serve to monitor critically the implementation of convention obligations by individual governments and as a forum which both reinforces and is itself reinforced by our own work in the IACC coalition.

Transparency in public procurement

We will continue to work for increased transparency in all fields, particularly in public procurement, and will create private-public sector partnerships to develop reliable, open and competitive systems, including open tendering on the Internet. At the international level we look forward to the WTO, among others, playing a key role, including the conclusion of an agreement on transparency in government procurement at the November 1999 Seattle Ministerial Meeting.

Private sector integrity

We will explore the development of business standards which foster and promote integrity and equip the private sector with a tool which can demonstrate, in independently verifiable ways, their individual commitments to integrity in their business practices.

Ethics in society

As a successful campaign against corruption demands the full participation of all sections of society, including most importantly civil society and, with it, the business

community, we will work to raise the standards of ethical conduct within the NGO community, in the private sector and throughout the public service and our societies.

Money and politics

We will foster the development of creative ways in which to contain the corrupt influence money has over many of our democratic processes, with a focus on limiting its influence by reducing the costs of elections and restricting expenditures and call on the International Institute for Democracy and Electoral Assistance (International IDEA) in Stockholm to accord the highest priority to this task.

Art against corruption

We will encourage innovation by our creative artists for them to use their skills to communicate essential awareness messages to a wide community, with a special focus on raising levels of ethics throughout society and empowering especially the marginalised in rural and depressed urban areas to recognise and act against the corruption they suffer.

Protection of complainants against corruption

We will encourage the development of institutions, laws and practices which ensure that responsible citizens can report instances of corruption without fear of reprisals, wherever it may be occurring, and to ensure that the media is free to play its pivotal role in holding relevant individuals and institutions to account.

Independence of anti-corruption agencies/law enforcement

We will support the institutions within our societies tasked with countering corruption to ensure that their independence is respected by all, and that they are adequately resourced. We will work, too, to ensure that they are held accountable in ways free from political interference.

Use of civil remedies to recover proceeds and criminal burden of proof

We will encourage the development of civil law (i.e. non-criminal) processes to enable the proceeds of corruption to be identified and recovered more effectively than the criminal law may allow because of standard of proof requirements. We will continue to explore constitutional ways of making the criminal law more effective in areas where proof of specific acts of corruption is difficult to obtain.

Sectoral initiatives

We will foster initiatives to contain corruption within particularly vulnerable sectors, such as education, social services, health, construction and mining and encourage leaderships within these to develop and implement their own strategies in partnership with other relevant stakeholders.

Banking community

We will encourage members of the banking community and others to create responses (including enforceable international obligations) which will record transactions effectively, curb the levels of money-laundering and which will facilitate the return to developing countries of moneys looted by their leaders. We find it wholly unacceptable that the moneys should be invested in institutions in the developed world for the benefit of a corrupt few when they are desperately needed by their

rightful owners in the South for the benefit of all.

Judiciary and the Rule of Law

We will develop approaches capable of restoring integrity to a judiciary in ways which call for greater accountability but without eroding the judiciary's essential independence.

Customs and Police

We will build and strengthen partnerships with customs administrations to check corruption and facilitate the revenue essential for good governance and for public sector salaries to be raised, as they must be in many countries. Similarly, we will build local coalitions to support of reform-minded police commissioners to assure them of public support for their efforts.

Debt cancellation and Jubilee 2000

We will support debt cancellation in the framework of Jubilee 2000, where the benefits flow to the poor and not to corrupt elites in the societies involved.

Tracking the effectiveness of reforms

We will continue to develop our methodologies to analyse the nature and extent of corruption, and for assessing the effectiveness of particular reforms.

In conclusion we express our gratitude for the warmth of their welcome to our hosts, the Hon. Penuell Maduna, the government of South Africa and their people; and for the excellence of the arrangements to the Conference Co-ordinator, Dr. Danny Titus, to the International Anti-Corruption Conference Council (IACCC) and its secretariat, Transparency International; and to TI-South Africa and the South African Organising Committee it facilitated. The conference organiser, Ms Melanie Campbell, and her able team earned out admiration for their handling of the logistics of an unusually demanding event.

Our struggle will be a long, an arduous and a continuing one. It will not be won quickly, and in many ways it will be never-ending. The corrupt amongst us will always try to pervert the well-being of our societies and our institutions. Our commitment, therefore, is as long-terms as it is determined.

We look forward to meeting again, in Prague, in two years' time, there to take stock of our continued progress and to chart for the further years ahead.

Phambili Nokulwa Nenkohlakalo! (Zulu = Forward with the struggle against corruption)!

A luta continua (Portuguese = The struggle goes on)!

Together, we can, and we shall, overcome!

Durban
South Africa
15 October 1999

