



ABA RULE OF LAW INITIATIVE

Policy Brief

ANTI-CORRUPTION POLICY AND RESEARCH OUTREACH AND ENGAGEMENT (APROE) PROGRAM

Modernizing, Coordinating, and Resourcing United States Government Efforts to Fight Corruption



Introduction

In furtherance of the *United States Strategy on Countering Corruption* (hereinafter “*Strategy*”), the American Bar Association Rule of Law Initiative (ABA ROLI) is currently implementing the Anti-Corruption Policy and Research Outreach and Engagement (APROE) program funded by the U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs (INL).

The objectives of the APROE program are to share resources and analyze methods for better anti-corruption implementation across United States Government (USG) departments and agencies and with international anti-corruption partners.

In achieving these objectives ABA ROLI, in consultation with INL, will host a series of roundtable discussions that align with the Five Strategic Pillars of the *Strategy*.

The first roundtable, held virtually on March 22, 2023, brought together USG interagency personnel and academics involved in the anti-corruption effort to discuss Pillar One of the *Strategy: Modernizing, Coordinating, and Resourcing U.S. Government Efforts to Fight Corruption*. The moderator, Jamil Jaffer is the Founder and Executive Director of the National Security Institute, George Mason University's Antonin Scalia Law School. The discussants included U.S. Ambassador Cindy Courville, Ph.D.; Jeffery Coleman, FBI Acting Assistant Legal Attaché; and Salomé Tsereteli-Stephens, Director, Monitoring, Evaluation, and Learning, ABA ROLI.

This discussion in the series focused on addressing challenges and developing recommendations for the following Strategic Objectives: (i) enhance corruption related research, data collection, and analysis (Strategic Objective 1.1.); (ii) improve information sharing domestically and internationally (Strategic Objective 1.2); and (iii) organize and resource the fight against corruption (Strategic Objective 1.4). This policy brief distills some of the challenges cited and recommendations offered by the discussants.



Challenges

Enhancing Corruption-Related Research, Data Collection, and Analysis (Strategic Objective 1.1)

The *Strategy* highlights that more needs to be done to enhance corruption-related research, data collection, and analysis. Current challenges exist with respect to the interoperability of data due to the lack of common or shared definitions, indicators of progress, and data systems across the USG and among implementing partners. Data should be collected in accordance with common definitions, metrics, and methodologies.

Suggestions by the discussants on how the USG can address these challenges include:

Recommendation: Consider developing a centralized digital platform to house anti-corruption and programming data which could be accessible to all USG agencies that are involved in anti-corruption research, data collection, analysis, and foreign assistance. USG personnel could more easily gain an understanding of the full swath of USG-funded anti-corruption programming and increase the flow of anti-corruption data across various USG departments and agencies.

Recommendation: Develop a set of guidelines that establish common definitions and standards for all USG-produced anti-corruption data. These guidelines would help to mitigate gaps in data quality and facilitate interoperability of data. Information and definitions should be structured to translate across all USG departments and agencies.

Recommendation: Determine agreed-upon methodologies for measuring changes resulting from *Strategy* implementation or outcomes to which implementation contributes.

Improving International Information-Sharing (Strategic Objective 1.2)

While the *Strategy* aims to improve information-sharing internationally, there are limitations to the USG's ability to share information on foreign corrupt actors with other jurisdictions. Low capacity on the part of foreign counterpart agencies to manage and protect shared intelligence is a common concern. Additionally, in countries led by kleptocratic regimes, there is usually a lack of political will to share evidence with the USG that relates to corruption and underlying crimes. Finally, even in the best-organized coordination efforts, of which the International Anti-Corruption Coordination Centre in London is a prime example, sufficient resourcing and staffing to address a backlog of cases is a key issue.

Suggestions by the discussants on how the USG can address these challenges include:

Recommendation: As it deems appropriate to do so, the intelligence community (IC) should expand their assistance to international counterparts by proactively and informally providing intelligence. This information may be unknown to their counterparts and could be useful in moving investigations along quickly and more effectively. Informal

information-sharing facilitates case progress in addition to or in lieu of formal mechanisms such as the Mutual Legal Assistance Treaty process.

Recommendation: When the opportunity arises, the USG IC should assist foreign jurisdictions in capacity-building. Supporting international partners with the skills and tools needed to access and analyze corruption-related intelligence would allow for more effective global coordination.

Organizing and Resourcing the Fight Against Corruption (Strategic Objective 1.4)

In recognizing that modernization under the *Strategy* requires better interagency coordination, discussants asked whether the USG needs a new interagency mechanism to address corruption as a national security issue across the USG. An additional challenge arising from *Strategy* implementation lies in coordinating roughly fifteen separate agencies, focused on an individual area of corrupt or illicit global activity, which each agency at varying levels in the process. Even within the IC, each agency has its own separate leadership. A more targeted focus must be given to coordinating agencies, budgets, and priorities.

Suggestions by the discussants on how the USG can address these challenges include:

Recommendation: Introduce a new USG position within the White House to address domestic and international coordination, financial resourcing, change management, and issues of differing priorities outlined in the *Strategy*. This position should report directly to the President, it would set the “Tone at the Top” and ensure greater buy-in of the *Strategy* amongst all USG personnel.

Recommendation: To make anti-corruption implementation more effective and manageable, the USG position within the White House, along with interagency input, should consider prioritizing various goals under the *Strategy* to be addressed over time. Identifying and concentrating resources on a specific number of issues within targeted regions or countries over a specified period may make successes both easier to measure and accomplish.