



The Commonwealth

‘Promoting prosperity in the Commonwealth: Practical ways to combat fraud, bribery and corruption through Commonwealth cooperation’

Keynote address by The Rt Hon Patricia Scotland QC

Commonwealth Secretary-General

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Firstly, can I say what an honour it is to have the privilege of addressing you today in my sister Inn.

I am grateful to the Royal Commonwealth Society and Inner Temple for this opportunity to set out the Commonwealth stall and to say a little about how we may together set about promoting prosperity and transparency in the Commonwealth.

I say 'together' because the complexity of our world today is such that, whether we like it or not, the new globalised reality generated by international business, social ties and technology means that we have become increasingly interconnected and interdependent and, just as importantly, those who seek to undermine the sovereignty of our democratic and independent countries have joined in an interconnected common enterprise too.

They operate in all our countries, across borders, disciplines and utilise the barriers we put up to maintain our proper boundaries to their advantage so that they can utilise the differences in the very systems we put in place in our individual countries to cloak their nefarious enterprise, undermine and trample on the rule of law and corrupt and corrode our collective systems.

They do so conspiratorially and effectively. Their unholy partnerships damage our people and plague our law enforcement agencies. Collectively they have resources which many of us, individually, can only dream of. And how do they do it? By binding together, developing interoperable systems, understanding the divisions which separate us, one from the other, playing on them, ducking and dancing through the gaps which appear between our lines of communication, stealing our confidence by encouraging us to believe they have the greater force and intelligence.

Corrupting our ability to respond by spreading a distrust and disbelief in our ability or willingness to come together and create a conspiracy of our own, which would enable us to fight back and build a joint capacity which is greater and more

pervasive that theirs. The truth: they are few, and we are many. The choice for us is do we choose to swim together or are we determined to continue to drown separately. I hope we will chose to swim, and, together.

So what do we want to do about bribery, corruption and fraud in the Commonwealth?

We have one very important asset which is ours and ours alone: we call it the Commonwealth Advantage.

The Commonwealth Advantage

The recent Commonwealth Trade Review - an excellent study, full of fascinating data - shows that there is a 19% advantage in intra-Commonwealth trade.

We derive strength from our shared heritage of the Common Law, common language, and similar systems of governance.

Fraud and corruption potentially destroys that Commonwealth Advantage and the benefits of having similar institutions. We must use our innate sense of kinship and affinity, and the Common Law to leverage real change in the Commonwealth.

We are all well placed and have connections and mechanisms that can help us devise shared approaches to the challenges we jointly face. A good example of this is the way the Commonwealth developed its doctrine of the separation of powers - generally better known as the Latimer House Principles. These were originally proposed by a small informal ginger group of experts within Commonwealth professional organisations. Their ideas were taken up and developed more widely, including within the Commonwealth Secretariat. Ministerial buy-in led to adoption by the Commonwealth Heads of Government. This shows how the most can be made of Commonwealth connection at multiple levels, and of the goodwill and ease with which we can interact.

It leads on to global impact, which takes us to another plus of our Commonwealth Advantage: our convening power.

David Cameron has been gracious enough to organise an anti-corruption summit next month directly following our own Commonwealth anti-corruption conference in London on 11th May at Marlborough House.

Our Commonwealth Summit will be a great introduction for the UK Government Summit and will include not just government but civil society and business partners in the conversation and hopefully will help to set the agenda.

Our ideas and solutions

As many of you will know, I was one of the architects of the Bribery Act, which many say is now the gold standard, going further than the US Foreign Corrupt Practices Act to grapple with the essence and culture that can lead to corruption.

My experience as Attorney General and as a practising barrister persuades me that the Commonwealth can bring something very special to international efforts against corruption.

During my time in ministerial office I had the great honour of helping to reform the civil and criminal justice system as deputy to the Lord Chancellor and then the Home Secretary. I hope to share the lessons learnt from that work with the Commonwealth.

Collaboration and cooperation between different nation states will be critical if we are to successfully meet the challenge bribery and corruption creates for us all.

We therefore need a mechanism to facilitate that cooperation and collaboration, and I therefore propose to create a Commonwealth Office of Civil and Criminal Justice Reform which will enable us to do so.

It is my hope that through the Office of Civil and Criminal Justice Reform we will be able to craft the templates for legislation and best practice implementation to strengthen public safety and provide an excellent framework for legal support services throughout the Commonwealth: a working model which we can all share giving us interoperability and transparency.

These Commonwealth templates for legislation and best practice will strengthen public safety and services throughout the Commonwealth.

If we are to have common standards and common approaches to tackling corruption, it is going to be important for us to create a mark or badge as a way of identifying which bodies, institutions, and entities are adhering to best practice. This validation will promote and differentiate organisations from those that do not share our aspirations in relation to tackling corruption.

I therefore propose that we together develop a kitemark or yardstick against corruption by which such differentiation can be made, so we can have Commonwealth - and perhaps one day truly international - standards for compliance of good procurement practice.

The Commonwealth has long recognised the importance of strengthening democratic oversight of public financial management standards.

These new standards, however, can be used by anyone, so will help strengthen

oversight of finances for businesses, institutions, the public sector, local government and the private sector.

Creating best practice toolkits empowers our member governments to be on the front foot against corruption and fraud in their jurisdictions. We need to continue to look for other instruments we may need to come together to enable our joint vision to be realised.

Stakeholder commitment to anti-corruption

Anti-corruption has been highlighted by all our partners.

Commonwealth leaders at CHOGM acknowledged the work of the Commonwealth in advocating for anti-corruption efforts, and highlighted that good governance and respect for the rule of law are vital for stable and prosperous societies, and for the 2030 Agenda for Sustainable Development. They are well aware that we need efficient, effective and accountable public institutions that serve all citizens and provide access to justice for all.

I must commend President Buhari of Nigeria for his brave leadership in tackling corruption head-on and commitments to reform the legal system. President Buhari's envoy, Professor Gambari, who was formerly the Nigerian Foreign Minister and UN Under-Secretary-General, is working with Madeleine Albright in New York to develop an international consensus on anti-corruption.

Conclusion

I've always believed that prosperity is so much more than financial figures. We need to invest in the social capital of our people, because people living healthy, safe and fulfilling lives is the ultimate goal any country could hope for.

Corruption and fraud undermines this and destroys lives.

Criminal conspiracies undermine hugely important Commonwealth values, including democracy and the rule of law, that are set out in our Charter.

Not only this, every dollar lost to corruption is a dollar lost to investing in a child's education, healthcare or much needed infrastructure.

We are fortunate in the Commonwealth that we share the common law so we can create a best practice toolkit to deal with corruption and other legal challenges, so let us make the most of this advantage and set the example for the rest of the world to follow. Sustainable Development Goal 16 on peace, justice and strong institutions needs to be delivered.

To achieve SDG 16, we need to be a 'Coalition of the Just' if we are to counter

fraud, bribery and corruption at every level and in all our member states.

Thus, I want to make it clear that I have heard the high priority given by all member states to eliminating fraud, bribery and the corruption, which continues to undermine development and compromises fairness and equality of opportunity in our societies. I am determined to do all I can to create a platform which we can all use to work together to create the solutions the Commonwealth, with its diverse cultures, peoples and needs, requires in order to meet the pernicious challenge we have been set and hopefully create a safer pathway for others to follow in the process to combat corrupt practices.

I intend to put all my experience as a reformer of criminal and civil justice systems and as one of the architects of the Bribery Act at the disposal of the Commonwealth and I hope that all those who have contributed to this conference and those within and without the Commonwealth who share our determination to fight the scourge of corruption will join us in this our joint Commonwealth endeavour.