CAPI and Its Work
A Presentation for Visiting IVLP Delegates

September 4, 2014
Columbia Law School
What is CAPI?

- New research center
- Partnership between NYC Department of Investigation and Columbia Law School
- Dedicated to improving the capacity of practitioners to deter, identify, and combat public corruption
CAPI Activities

• Building and supporting a vibrant public integrity community
• Providing practitioners with more helpful resources and tools
• Hosting events that bring together scholars, practitioners, and policymakers
• Advancing research with practical implications
CAPI Focus Areas

• Bridging the gap between practitioners, scholars, and civil society groups
• Corruption in cities worldwide
• Public integrity issues in New York State
Current CAPI Research Projects

• Comparing subnational anti-corruption agencies
  – US, Australia, India, and Spain

• Transparency and corruption in Bell, CA
  – Policy recommendations following city manager corruption scandal, with lessons for small cities

• Community Contributions
  – MTA Inspector General: legal issues surrounding the investigative use of GPS devices
State by State Oversight Survey

– First study of oversight laws & systems in all US states
– Includes institutions at city, county, and state levels.
– Draws conclusions about emerging trends and oversight gaps
– Holds global lessons, as more nations consider creating local-level anti-corruption authorities
CAPI Events

• Busting Graft and Boosting Budgets (May 2014)
  – Strategic uses of Asset Forfeiture
• Emerging Issues Conference (Oct 2014)
  – Global corruption issues
  – Emerging technologies in fighting corruption
• Global Cities Conference (Spring 2015)
  – Comparing local oversight structures, tools, and tactics
  – Examining common issues in municipal corruption
• Speaker Series: Perspectives on Public Integrity
  – Scholars speaking about new corruption research
  – E.g. Ben Olken (MIT), Adam Graycar (ANU)
Website Resources

(http://web.law.columbia.edu/capi)

- Member’s Forum (upcoming)
- Directory of public integrity organizations and news sources
- Best Practices
- Conference videos and powerpoint slides
- Profiles in Public Integrity
Other interdisciplinary anti-corruption research centers like CAPI

- U4 Anti-Corruption Centre (Norway)
- Basel Institute on Governance (Switzerland)
- Quality of Governance Institute (Sweden)
- Edmond J. Safra Center for Ethics at Harvard Univ. (US)
- Markkula Center for Applied Ethics, Santa Clara Univ. (US)
- Centre of Anti-Corruption Studies (Hong Kong)
- International Anti-Corruption Academy (Austria)
- Commonwealth Africa Anti-Corruption Centre (Botswana)
Playing the Cards that are Dealt:

How Anti-Corruption Agencies Can *Overcome* Constraints
Anti-Corruption Agencies (ACAs)

- Specialized
- Single or Multi-agency
  - Enforcement
  - Prevention
  - Education

- 1952 Singapore CPIB
- 1974 Hong Kong ICAC
- 1988 New South Wales ICAC
- TI Founded 1993–
- UNCAC 2003–
- Jakarta Principles 2012–

UNCAC: now 170 state parties
An ACA’s Dismal Lifecycle

Established
- Strong Capacity
- Weak Capacity

Independent
- Pawn
- Dead

Subverted
- Weakened
- Shut down

Watchdog

Reform?
My Study

- Structured, qualitative case studies
- 8 countries, ~160 interviews
- Reform leader perspective

Case Studies freely available at:
www.princeton.edu/successfulsocieties/
ACAs Examined

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<thead>
<tr>
<th>Country</th>
<th>Agency</th>
<th>Date est’d</th>
<th>Powers</th>
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<tr>
<td>Botswana</td>
<td>DCEC</td>
<td>1994</td>
<td>Police powers</td>
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<tr>
<td>Croatia</td>
<td>USKOK</td>
<td>2001</td>
<td>Supervise police, special prosecutorial powers</td>
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<td>Ghana</td>
<td>CHRAJ</td>
<td>1992</td>
<td>Ombudsman, subpoena powers, public hearings</td>
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<td>Indonesia</td>
<td>KPK</td>
<td>2002</td>
<td>Police powers, telecom surveillance, prosecution</td>
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<td>Latvia</td>
<td>KNAB</td>
<td>2002</td>
<td>Police powers, political finance</td>
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<td>Lithuania</td>
<td>STT</td>
<td>1997</td>
<td>Police powers, vetting officials</td>
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<td>Mauritius</td>
<td>ICAC</td>
<td>2002</td>
<td>Police powers</td>
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<td>Slovenia</td>
<td>CPC</td>
<td>2003</td>
<td>Subpoena powers, civil suits</td>
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Five Reasons for ACA Failure

1. Unsuitable mandate
2. Impotence
3. Lack of capacity
4. Weak partner institutions
5. Political interference
Modifying Mandate & Powers

Evolving mandates
Partnering with other agencies
Teeth vs. voice
  • Targets bite back
  • High evidentiary standards
  • Resource intensive
Leveraging Resources

Freeing up human resources
Helping hands
– Partner institutions
– International support
– Everyday citizens

Findings from CPC’s Supervizor
Securing Independence

Carving out autonomy
Demonstrating evenhandedness
Embracing accountability
Levelling the playing field

Mauritius youth anti-corruption march
Mustering Political Will

Outflanking opposition
- Shoring up defenses
- Winning allies
- Choosing battles

Winning the long game
- Prevention: changing the rules.
- Education: changing the culture.

“Umbrella Revolution,” Riga 2007
The Public trumps politics

Professionalism and integrity
Communications and managing expectations
Seizing opportunities

“Saya Cicak” Protest, Jakarta 2009
Implications

• Every ACA faces different challenges and opportunities. There is no “best” model.
• ACAs in tough contexts can become strong cornerstones of anti-corruption systems.
• Strategic leadership matters.
• ACAs must adapt to survive
  • Recognize and work around limitations
  • Avoid threats, exploit opportunities
  • Find a niche
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