

Report

Thursday, 14 October 1999

Private Sector and Government Co-operation in Conducting Investigations and Oversight

Papers Presented:

Judge Willem Heath: Special Investigations Unit, Heath Commission, S. Africa
"Private Sector and Government Co-operation in Conducting Investigations and Oversight"

Peter Csonka, Council of Europe, France
"The Council of Europe's Anti-Corruption Treaties"

Professor Kathleen Clark, Cornell Law School, New York
"Government Licensing of Professionals as a Tool for Curbing Corruption"

Neil V. Getnick, Managing Partner, Getnick & Getnick, New York

Chair: Michael Hershman, DSFX, Virginia, mhershman@dsfx.com

The theme of the workshop was that effective cooperation between the government and private sector is often critical to the successful pursuit of international corruption investigations.

1. Due to limited government resources and capabilities it is often necessary to rely on outsourcing to assist in corruption investigations and prosecutions. This is particularly true on complex international probes where specialists in money laundering, computer forensics and international law are needed.

It is imperative to establish the credentials and reputation of those outside experts before engaging their services.

2. After the investigation and successful prosecution of organizations, which engage in corruption, there is another feature of government and private sector cooperation. The use of monitors or Independent Private Sector Inspectors General (IPSIG) is growing.

These IPSIG's ensure, while reporting back to the relevant government authority, future compliance by the accused organization with relevant laws, rules and regulations.

3. False claims act type laws should be adopted beyond the United States. This would allow private attorneys to represent citizens who wish to sue organizations that defraud the government.

4. The private sector, which has a growing expertise in investigating fraud and corruption, must share their knowledge and experience with government organizations, which have responsibility to pursue corruption issues. This includes providing classroom as well as on-the-job training opportunities.