

FORMER CHAIRMAN,  
HONG KONG INDEPENDENT COMMISSION AGAINST CORRUPTION  
**BERTRAND DE SPEVILLE:**

# THE **KPK** MUST BE PRESENT IN ALL PROVINCES

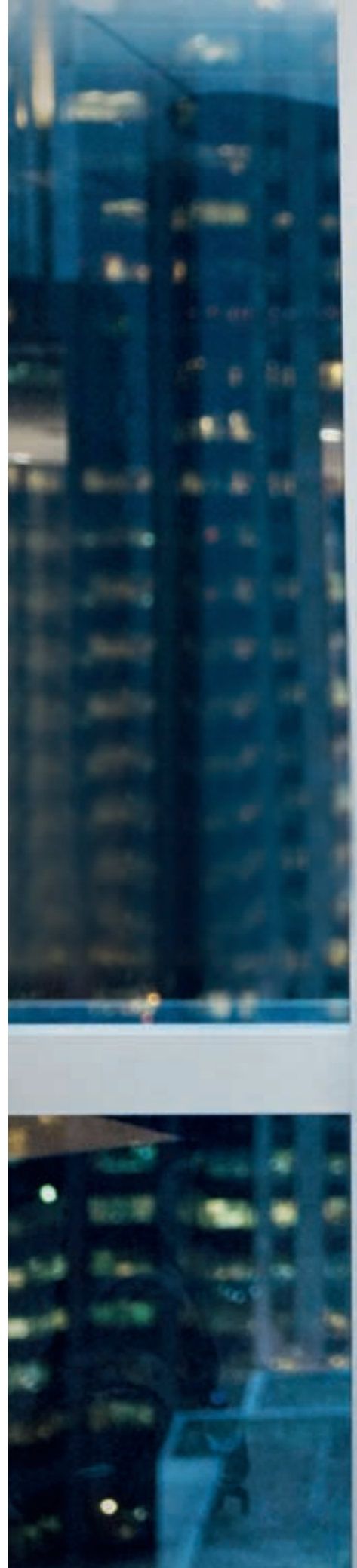
**N**OT long after Bertrand de Speville launched his book, *Overcoming Corruption: The Essentials*, in 2010, Tunku Abdul Aziz, the former deputy chairman of Transparency International opined, “If there is one person whom I admire for his sustained contribution to tackling corruption in societies across the world, it is Bertrand de Speville.”

Indeed, de Speville, 71, spends most of his time on how to eradicate corruption—a task he feels is full of pain, requires a sense of invulnerability, and is very lonely. He has been chasing after corruptors since he was a chairman heading the Independent Commission Against Corruption (ICAC), the ‘KPK’ of Hong Kong.

Relations between de Speville and the Corruption Eradication Commission (KPK) go back a long way. From 2000 through 2001, he assisted the Justice Ministry (today the Justice and Human Rights Ministry) in forming the KPK. In 2002, the new anti-graft commission obtained its legal papers and was officially established a year later. De Speville also helped to set up the Aceh-Nias Rehabilitation and Reconstruction Agency (BRR) in 2005.

Sharing his knowledge and experience is nothing new to de Speville. After his retirement from the ICAC—which succeeded in cleaning up the Hong Kong Police—he established an anticorruption consulting office, and his advice is frequently sought by governments. In Jakarta last week, Bertrand de Speville met with KPK leaders and members of the Law Commission at the House of Representatives (DPR). He also delivered a public lecture at Paramadina University in Jakarta. The KPK Law, among others, benefited from his inputs.

On Wednesday last week, de Speville managed to spare some of his busy time to meet with *Tempo* reporters Anton Septian and Sadika Hamid for a special interview. Excerpts:





**You recently met with KPK leaders in Jakarta. What was discussed?**

I only met three of them, and I met with many of the KPK's senior members. There are a couple of things that strike me when I see the situation here today. The KPK is still just confined to Jakarta. It ought to have a presence in the country's provinces. For that, it needs to have many more resources. The fact is that it's a very small organization for the population that you've got. Seven hundred people is tiny. The budget is minute. Yet it's one of the essentials of the fight against corruption. By essential, I mean if you don't have it, you will fail.

**What would be the ideal budget and the ideal number of people working for the KPK?**

The budget needs to be a half percent of the total national government budget. At the moment it's only 0.05 percent (Rp632 billion of the total 2012 State Budget of Rp1.418 trillion—*Ed.*) It's tiny. As for personnel, at least 8,000 people are needed. But the KPK itself has difficulty in filling the posts they need. Although many people apply to come and work there, they say very few are suitably qualified in fighting corruption, except the investigators with the police or the Attorney General's Office (AGO). Even so, they are recruited for a time and they go back to their own force. What the KPK needs to do, as we did in Hong-Kong, is quickly build up your own training capacity and recruit bright young people who are dedicated and clean, and train them to do the job, whether in prevention or investigation.

**Why does the KPK need 8,000 employees?**

That is the best guess, taking into account the size of the population, the police force, the size of public servants, and units of services. But if somebody says we need 10,000, I wouldn't disagree. But that would need branches, an office in each of the provinces, answerable of course to the Jakarta headquarters, but operating largely autonomously, with the headquarters doing the inspections, monitoring and making sure they're complying with the standard set from the headquarters.

**How do you compare the KPK's perfor-**

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**mance to similar organizations in other countries?**

It's difficult to answer that question, but I can remind you of the Transparency International corruption perception index. Indonesia deserves credit for having managed to improve its position from 1.94 on a 10 point scale, to 3.0. Admittedly in 15 years or so. It's a long time. It's not a great deal of progress, but at least it is progress in the right direction.

**The obstacles seem to come from the DPR. The KPK wants a new building, but the DPR refuses to give its approval.**

What the KPK needs at the moment is more office space. It doesn't matter whether it's rented or a dedicated building, providing they have a more decent accommodation. I think it's a mistake to regard the KPK as a temporary institution therefore there's no point in giving it a building. I would be very surprised if Indonesia does not continue for the foreseeable future to have a need for an anticorruption body. I think it will have to continue to fight corruption and therefore the cost of fighting corruption will be an item in the annual government estimates.

**Can the KPK function effectively in such a hostile environment?**

I don't think it's hostile. Yes, some members of parliament might be feeling a bit hostile, but I gather that there is a very substantial body of the community supporting the KPK. That's a valuable asset. They need to build on that. So really it's the safeguard to its existence long term, is developing and maintaining public support. If public support were to vanish, then I think any passing political breeze could blow the

KPK away. It won't happen if you have public support, sustaining it and protecting it. Public support is one of the essentials.

**How do you best maintain public support?**

By doing a good job. If the officers misbehave or fail to do a good job then public support will evaporate. This commission must remain impartial, otherwise the public will lose confidence in the KPK. Otherwise, how can they provide their support?

**Is opposition from the legislators common in developing countries like Indonesia?**

It's not common but it does happen. And I have to say that it happens here with the legislators because legislators in recent months appear to have been targeted. That's a mistake in my view, the KPK should not target, it should simply investigate what the public complains about. If the KPK targets any sector of the community, that sector will react, it will feel victimized. That is why it's important that the KPK should have an investigating policy that says we investigate every complaint of corruption submitted by the public.

**Were you ever attacked by legislators when you led the ICAC?**

While I was doing my job in Hong Kong I had to terminate the employment of a very senior officer, who happened to be Chinese. He protested his innocence and said he was being discriminated against. Members of parliament took up his call, wanted to investigate the matter and they did. They held hearings for a long time. And eventually they concluded that I was entirely justified in dismissing him. But it took a long time, and I was subjected to a lot of hostility. It's a very lonely job, and it's not easy to make friends in the community.

**What is the key to eliminating corruption?**

First, it's political will. Second, your values in the law. The law that says bribery is wrong, bribery a serious crime. Third, a strategy for fighting corruption, a strategy that comprises these three elements: repression, prevention, public education and support. They must be operated in close coordination. They are interdependent, they need to move forward together. The success of any one of them, enhances the other two. That's the job of the KPK, to enhance the three parts of the strategy in a coordinated way.

**Are there other factors?**

Of course, they can't beat corruption on their own, they need to develop support and use the community teachers to spread

## BERTRAND DE SPEVILLE

**Date of Birth:** June 16, 1941 • **Nationality:** British • **Education:** University College London (LLB), Inns of Court Law School, London, Harmsworth Scholar • **Career:** Director, De Speville & Associates Anti-Corruption Consultants (1996-to date), Chairman, Independent Commission Against Corruption, Hong Kong (1993-1996), Prosecutor, Hong Kong (1991-1993), Solicitor-General, Hong Kong (1985-1991)



the message, so that's the next essential—public support. The final essential is endurance, recognizing that this is going to take time. One component of endurance is pain. Fighting corruption will cause pain, not only to certain individuals but that individual's family, friends and associates.

**Was that the key to the ICAC's success?**

I think the key to success was the realization in Hong Kong that it couldn't beat corruption simply by repression. You had to do these other things. And you have to get these elements (repression, prevention and public education and support) closely linked together.

**What about the ICAC's budget?**

It does not have a big budget, although it is when compared to the KPK's. When I was commissioner, leading to 1997, the budget at that time was 0.42 percent of the total budget then. Sixteen years on, it's declined to 0.3 percent. It's a feature of what happens when anticorruption effort is successful, and revenues flow back into government coffers. The government expenditures therefore goes up but it does not necessarily raise the anticorruption budget. But it is an indicator of the political state of your government and legislators. If

you suddenly find in one year that the percentages decline sharply, you need to ask yourself what's going on.

**Given your experience, how long does it take for an anticorruption commission to become stable?**

In a big country like Indonesia, its development will be phased over a period of five to eight years. But before you can say that we now have an established presence in all provinces in the country, how quickly can we progress? Of course, we are still a long way from being able to say that all our people have a completely different attitude about corruption. That will take in my view about a generation. It's not long at all. It's a gradual process, gradual growth and gradual change. One of the things the KPK must do is to measure that change by regular surveys of the population, whether they are achieving their ultimate goal of changing people's attitudes. That's the real goal, not how many people you lock up.

**What causes an anticorruption program to be ineffective?**

Despite the tons of advice that has been dumped on many countries, the great majority of them are flatlining. We can measure that since Transparency Interna-

**KPK investigators raid the office of Zulkarnaen Djabar, at the DPR Complex in Senayan, Jakarta, Friday two weeks ago.**

tional started measuring in 1995. After 16-17 years, we should have shown more progress. I'm afraid that the fault lies not with the countries themselves. I'm critical of the international donor community, because I think the advice they have been giving frequently has been bad advice. And if you want an example of that, it's the asset declaration system, now being enforced in certain countries. That declaration system is useless because what it does is just absorb great amounts of anticorruption resources.

**Is the death penalty effective in reducing corruption?**

I don't think so. Send them to prison, give them a substantial fine, confiscate their ill-gotten gains. That's important, that's sufficient punishment. China is a good example where the death penalty is applied to corruptors. Is that improving the corruption situation in China? I'm afraid not. ●