



U4 Practitioner Experience Note 2020:8

Twenty years with anti-corruption. Part 8

Working with other parts of government ...
when they don't want to work with you

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About U4

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Within two years of starting its anti-corruption drive, the UK Department for International Development had secured a number of successes. This was despite having to work with other departments in the government bureaucracy that not only did not share its objectives, but often strongly resisted change. DFID learned to navigate these obstructions, devising seven key stratagems that helped smooth the way.

Main points

- Succeeding in a bureaucratic environment is as much about understanding the politics as the policies. Avoid the temptation to see the pathway to achieving one's objectives as simply having the stronger arguments. They may make sense to you in your situation; they probably don't for someone else sitting in a different one. 'Where you stand depends on where you sit'.
- No single approach fits all. Often a combination of stratagems will be needed. Knowing which means taking time to know the terrain you are operating in.
- Building personal relationships will, in the long run, be the most valuable tactic – but it is often the one most quickly dropped because of daily time pressures. Resist the temptation to let this go.
- 'Challenge not confrontation'. There are big advantages in the indirect approach. Probing inconsistencies in other departments' positions is more likely to win gains than stressing the logicity of your own.

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ABOUT THE SERIES

Experiences, lessons, and advice for future anti-corruption champions

In this series, Phil Mason covers the origins of anti-corruption in DFID as an illustrative example of how development agencies came to encounter the issue in the late 1990s. He lays out how he and DFID saw the development implications of corruption, how the world was so ill-equipped to deal with it, and how the global response has developed to what it is today.

Mason explores the origins of DFID's involvement in some of the 'niche' areas that often stump development practitioners as they lie outside their usual comfort zones of development assistance: money laundering, financial intelligence, law enforcement, mutual legal assistance, illicit financial flows, and asset recovery and return. He summarises lessons learned over the past two decades, highlights some of the innovations that have proved especially valuable, and point up some of the challenges that remain for his successors.

Parts

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10. Keeping the vision alive: new methods, new ambitions (final note)

In this piece, I delve deeper into the dynamics of the cross-governmental environment in Whitehall that the Department for International Development (DFID) faced in the early years of its anti-corruption drive. This takes us from its beginnings in 2000 until around 2010, when the momentum started to become more collective.

I have already set out the policy territory in the first two parts of this series, explaining DFID's approach and objectives. At their core, this meant an endeavour to change the attitudes and behaviours of several government departments outside DFID. Here, I want to dissect the *means* by which I did that, because I believe these experiences illustrate a number of critical lessons that are of value to practitioners today. These involve lessons (and tricks) in influencing others who do not share your perspective, in managing bureaucratic processes to achieve one's objectives, and, through doing this, overcoming seemingly immovable obstacles.

My reflections have ended up as seven stratagems. These seem to me to be as pertinent to any bureaucratic context and to any policy mission as they were to me in mine.

In the beginning

As the first two notes in this series set out, the context for DFID taking up anti-corruption was unique for a development agency. A central premise of our approach was that DFID was unable, on its own, to secure the changes necessary within the UK to deal with the 'supply side' of corruption. That is, UK companies bribing for contracts in foreign markets and the role of UK financial institutions in providing a safe haven for the laundering and stashing of corruptly acquired assets. We had to engage with the Whitehall departments where responsibility for dealing with these issues lay.

'In engaging with the Whitehall departments where responsibility for the "supply side" of corruption lay, we knew we could expect resistance at most turns.'

Yet in doing so, we knew we could expect resistance at most turns, since the concerns we had were very likely to conflict with the multiple other interests at stake. These included trade promotion interests, which did not want to see restrictions on UK companies that risked hampering their competitiveness against rivals from other countries, and financial services interests that saw lighter regulation to be a competitive advantage in attracting flows of funds from the outside world into London.

This is the story of how we moulded our approach to this seemingly uncondusive environment.

The Whitehall landscape

The key departments that DFID had to engage with were the Home Office (HO; the UK's interior/justice ministry), the Department of Trade and Industry (DTI), which promoted British exports, the Treasury (the UK's finance ministry), and the Foreign and Commonwealth Office (FCO). There were specific challenges with each:

Home Office

With the Home Office, the task was to secure legislation to repair doubts over the UK legal framework on corruption law relating to overseas bribery. Foreign bribery was not explicitly covered in the existing suite of legislation, which dated from 1889, 1906, and 1916, and which had come in for severe criticism from the Organisation for Economic Co-operation and Development (OECD) in this regard. Relations between the departments had been frosty, as UK Secretary of State for International Development, and minister in charge of DFID, Clare Short, pressed for urgent change – but encountered a strong view inside the Home Office that there was no problem with existing UK law. (The view was that as there had never needed to be a prosecution for foreign bribery, the law was acting well as a deterrent!). Reforming the law was therefore extremely low on the Home Office's list of legislative priorities.¹

Department of Trade and Industry

With the DTI, the need was to instil a more proactive approach within UK companies on their responsibilities not to engage in corruption when doing business overseas. This was, to a significant extent, seen by the DTI to be in competition with its trade promotion agenda.

Treasury

With the Treasury, we saw the need to energise Whitehall's approach to the UK financial/banking sector's responsibilities on anti-money laundering. This was particularly the case where developed countries' banking systems were effectively providing a 'getaway car' for grand corruption of developing country elites. The problem of losses by developing countries was not a high priority for the Treasury. Like the Home Office, it also considered, often with a hint of smugness, that its current anti-

1. I recall a difficult moment for our representatives in the OECD Bribery Working Group in December 2000. This was at the height of the deluge of critical reviews of the UK position. The timing of the meeting coincided with the week of the annual opening of the UK Parliament and the announcement of the 'Queen's Speech,' the list of proposed legislative measures for the next 12 months. The Chair expressed some incredulity when the news came through mid-meeting that the top UK priority on that occasion turned out to be combatting ... fox hunting.

money laundering controls were sufficient (indeed, they were often extolled as one of the tightest regimes in the world).² We faced another ‘what’s the problem?’ challenge.

Foreign and Commonwealth Office

With the FCO, we felt the need to heighten awareness at overseas posts of diplomats’ responsibility not to turn a ‘blind eye.’ To some extent, this too was in competition with advancing UK interests in the country concerned vis-à-vis other competitors for trade or diplomatic influence.

In all cases, therefore, DFID faced a lack of energy or concern (or ambivalence) on the issues that mattered to us. These were not of such significance for any other government department. Meanwhile, for some, our objectives were in direct competition with these departments’ other top priorities.

What happened?

Without wishing to appear immodest, within two years we had seen visible success on the objectives that Clare Short had set in the autumn of 2000.

‘Within two years we had seen visible success on the objectives that Clare Short had set.’

With the Home Office, stop-gap legislation³ had been passed to repair the biggest question mark over existing anti-bribery laws – whether they applied to foreign officials. Relations between the departments were cordial and mutually beneficial.

With the DTI, we had undertaken joint collaboration on an outreach programme to UK business. DFID was regarded as an ally by the small anti-bribery team there (see stratagem 2, below).

2. This was a view the Treasury persisted with until, one day in 2001, an official there was contacted by a Swiss regulator to convey the news that they, the Swiss, had just frozen US\$500m of funds belonging to the corrupt Nigerian kleptocrat, Sani Abacha. As the two officials self-congratulated each other that the controls against money laundering had clearly worked, the Swiss casually dropped a bombshell. He asked whether his British colleague was aware that the funds ‘had passed through London first,’ on their way to Switzerland.

3. Provisions were included in the post-9/11 Anti-Terrorism, Crime and Security Act 2001 (Sections 108 and 109). These put beyond legal doubt that the existing anti-corruption legislation applied to the bribery of foreign officials, and were punishable if perpetrated by UK nationals or those working for UK-based companies, regardless of where they took place. This plugged the historic loophole of needing some part of the act to have taken place within the UK. These provisions were superseded by the Bribery Act 2010.

With the Treasury, there was heightened sensitivity to the damage caused to developing countries by high-profile money laundering cases. The UK was also by then one of the leading voices within the negotiations on the UN Convention against Corruption (UNCAC) for an international ‘asset recovery’ regime (unthinkable two years earlier).

With the FCO, an equivalent team to DFID’s anti-corruption co-ordinator had been created and was spearheading an anti-corruption strategy within the department.

How?

Reflecting on this success, I identified seven key stratagems that had helped to secure these advances. They crossed a range of aspects of inter-departmental relationships. They included the ‘high politics’ of relationships, issues around the individual agendas of departments, issues around the tactics of working with others immersed in those different agendas, and finally – possibly the most important – the personality dimension. Regardless of the specifics of the particular issue at stake, each case usually saw a combination of all of these coming into play. And every situation tended to be different. There can be no single game plan.

The seven stratagems

1. Ministerial impetus – use it well if you have it

In the Clare Short years, I was thrust into a powerful position in the Whitehall game by the strong ministerial backing I had. Short was highly vocal on the subject. Her exasperation that other departments were ‘letting DFID down’ by tolerating bad practices, ran deep.⁴ Her first speech on corruption as DFID Secretary of State was all about the (ir)responsibilities of UK banks for aiding and abetting developing country leaders to loot their state coffers.

I could therefore rely, if needed, on being able to exert fairly powerful influence. Often a mere hint opened the door a little wider. I worried out loud that I might not be able to forestall much longer the unleashing of a robust communication from Short to their minister – on which, of course, I held the pen. Or worse, the risk of their minister being actively hunted out in the lobby of Parliament for a sharp word.

4. See part one and two in this series.

The absence of this degree of political support does, it must be said, diminish significantly – although not fatally – the power of the other stratagems that now follow. But the message therefore is loud and clear: if you are lucky enough to enjoy the boon of ministerial impetus, be sure to use it.

Another lesson was that there was often as much utility in presenting oneself to one's peers as 'restraining' that pressure, as there was being able to lay it on. (The applicability of this lesson depends on the person, character, and reputation of the individual politician concerned – and it applied in this case). A judicious balance of use and restraint was an incredibly useful tool.

2. Find the shared agenda

Elements of other departments shared the same agenda as DFID. The key was not to see other parts of Whitehall as monolithic, 'single-view,' entities. All organisations are an aggregate of varying interests. However, there is an intuitive tendency to think of them as homogenous (which is far from rational if one just takes a moment to think of the variety of interests in one's own organisation).⁵

In the corruption domain, we knew that one part of the DTI sat as the lead department for the UK's performance on implementing the OECD Anti-Bribery Convention. This section was an ally for DFID against the trade promotion interests that dominated other parts of the DTI. In the FCO, one part of the department had a policy interest in the UK living up to its international obligations and showing that we were 'cleaning up our act.' This section was a countervailing force to other concerns within the FCO on commercial and diplomatic relations with other countries.

In a different vein, with the HO, while there was little concurrence in objectives, we were able to latch onto its feelings of unfair and ill-informed criticism from pressure groups. DFID was seen – wrongly – as a 'stoker' of this pressure, but we were able to use this perception usefully. We'll come back to this in stratagem 5.

5. This tendency is well recognised in the literature of bureaucratic politics. One of the best explorations of these fascinating issues is a longstanding favourite work of mine, *Perception and Misperception in International Politics*, by Robert Jervis (Princeton University Press, 1976). A second essential read on how inter-departmental policy differences are distilled into decisions is Graham Allison's classic *Essence of Decision* (Little, Brown & Co, 1971). This takes the Cuban Missile Crisis as a case study to illustrate the working of bureaucracies in practice when objectives are highly contested.

3. Link separate but related agendas

This stratagem looks at trying to find areas which are important to the other department, but which might also help us achieve our own agenda. This breaks down into two parts.

3a. The need to understand others' interests

For example, the HO had a separate interest as the lead department for the UK's performance on implementing the Council of Europe's (CoE) anti-corruption convention. Few other Whitehall and devolved departments took an interest. This was also marginal to DFID's interests, but a small amount of cash from DFID enabled the HO to enhance its own profile by being able to provide an official to serve on the central secretariat overseeing the CoE process. This created a sense of partnership between DFID and HO, and overall reduced suspicions and animosity.

DFID was able to leverage the Abacha scandal – Nigeria's leader looting some US\$4–6 billion from state coffers⁶ – and mobilise the Treasury. This was not by suggesting it should feel anxious over the damage to Nigeria or the impoverishing of its population, but because of concerns it should have about the reputational damage to the City of London as a global financial centre.

'It doesn't matter if others do what we'd like them to for their own reasons, if the end result is what we want.'

From DFID's perspective, it mattered not what the motivating force for action was. The outcome was consistent with what we wanted to see happen. So, remember, it doesn't matter if others do what we'd like them to for their own reasons, if the end result is what we want. Understanding (and if necessary, generating the information to influence this understanding) as to how pursuing their interests can also achieve one's own agenda can be a successful strategy – a little like judo, using your opponent's weight to one's own advantage.

3b. A little money can go a long way

Experience suggested too that we should never underestimate the influence that small amounts of money could make to relations with other departments.⁷ In most cases, there

6. Part 2 in this series refers to this scandal.

7. This was an important factor in the early 2000s, when DFID was almost exclusively in charge of spending aid funds. Other departments traditionally lacked resources for international work of this kind. This has changed significantly in recent years, with the UK government dispersing responsibility for

was a huge disparity between what DFID could bring to bear financially and the levels of funding available in these other departments. Often only very small sums (in DFID terms) were enormously influential if used strategically.

For example, a small amount enabled the DTI to fund high-profile events, under a DTI banner, promoting the OECD anti-bribery convention. This also boosted the profile of that part of the DTI.

An ability for DFID to respond rapidly (instantly in this case, in one telephone call!) enabled the National Criminal Intelligence Service (the previous incarnation of today's National Crime Agency) to offer to provide the rotating secretariat of the Egmont Group, the international standard-setting body for financial intelligence units. This brought significant prestige to UK criminal intelligence and boosted the UK's credentials in this important domain, at a pivotal moment in Egmont's evolution. This was all for the cost of a single staff post for three years.

4. Exploit crises

This is a short stratagem, but perhaps the most crucial one of all: 'never let a crisis go to waste.' The Abacha crisis, which shook the Treasury, provided a platform to advance DFID's agenda. A strong motivating force for action could be reinforced, even though the reasons for that action by the Treasury were not the ones that DFID was primarily concerned with.

As a result, the UK developed its very first watch-list for politically exposed persons, energised co-operation with other developed financial centres over improving the global effort on anti-money laundering, and inspired legal reforms at home (such as the Proceeds of Crime Act (POCA) 2002, which revolutionised the UK's approach to freezing suspect assets).⁸

programming aid funds across more departments. Whereas DFID had been responsible for spending 90% of UK overseas development assistance (ODA), the proportion had fallen consistently to around 70% at the time of the announcement, in June 2020, of the merger of DFID with the FCO. With other departments being able to gain direct access to aid funds, the power of this tactic had diminished.

8. Incredible to think now, but prior to POCA, the bank accounts and assets of suspected money launderers could only be frozen at the point that criminal charges were finally laid; this is, after the lengthy investigations had been completed. This gave suspects plenty of time to remove their finances from our law enforcement's grasp.

‘Good antennae allowed DFID to detect agendas that we could seek to influence, and begin to ride their wave.’

It may be a statement of the obvious, but it is always better, in inter-departmental relations, to work with the grain rather than go against it. We learned that in contrast to trying to persuade another department to see things the way we saw them for our reasons, generating the arguments that made sense for the other department *in their terms* was immeasurably more effective. Good antennae allowed DFID to detect agendas that we could seek to influence, and the begin to ‘ride their wave.’

5. Exploit external pressure

5a. On other departments

It was often possible to use to our advantage any external pressure that other departments came under. This was delicate, and it was certainly not our role to contrive to undermine the public position of another department.

In the anti-corruption sphere, our relations with a major non-governmental organisation (NGO), the UK chapter of Transparency International (TI), enabled us to benefit from emerging trends. Through TI’s parliamentary support, we were able to keep the profile of the issue high (and knowing our interest encouraged TI to persevere in its efforts, through the tabling of parliamentary questions to ministers and drafting Bills). TI offered to Parliament its own draft Bribery Bill modelled on emerging norms that replaced the traditional ‘principal–agent’ model – see [part 2](#) – which finally became the route the Home Office followed. TI also presented evidence to the parliamentary select committees which oversaw the work of departments, particularly the Home Affairs Committee, the Foreign Affairs Committee, and the International Development Committee.⁹ These strategies proved powerful influences in shifting the ‘political weather’ on anti-corruption in the UK.

5b. Between other departments and external organisations

The particular circumstances of the anti-corruption agenda made it possible for DFID to occupy a position of broker between the Home Office and Transparency International.

9. An early inquiry by the select committee on international development in 2000-01 into anti-corruption work was encouraged to take a broad, cross-departmental approach. This led to an evidence session where officials from four relevant departments appeared together, a rare occurrence at the time. It helped enormously to instil the message that DFID’s work needed to be complemented by others across Whitehall.

With little shared ground or respect between the HO and TI, DFID was able to place itself (in the Home Office's eyes) as a moderator. The HO believed we had influence with TI, which to some degree we did, but probably not to the extent the HO assumed. We could also help TI understand where the problems were in the HO and improve its lobbying approach. As a consequence, we had good, targeted lobbying rather than 'megaphone abuse.' The Home Office also felt its concerns were feeding back to TI – which they were.

6. Think innovatively – find new allies

We developed a novel relationship (for a development agency) with the National Criminal Intelligence Service,¹⁰ not an organisation conventionally associated with DFID's work. NCIS had shared interests with us on anti-money laundering. By judicious funding, as mentioned above in section 3b, NCIS became an ally in Whitehall discussions on issues that were important to DFID.

7. Know your 'adversaries'

It is commonly said of successful military commanders that they keep on their person photos of their opponents. The more you know about your interlocutors, the more you can advance the preceding six stratagems – by knowing better what might work and in what combination. Opportunities should be taken (I found out-of-hours occasions during international meetings – the evening dinner, for example – particularly useful in getting to know another department's colleagues as individuals and their operating domains/mindsets). They will be coming from very different policy settings to your own.

For example, from cultivating close understanding, we knew in the Home Office that the 'problem' was at the senior official level, not with ministers. This was helpful intelligence, as we knew it was worth continuing with our ministerial pressure at the political level, to get the HO minister, who was known to be supportive, to change the HO officials' views. The opposite intelligence – that the problem resided with ministers – would have suggested an entirely different tactic: of working with our peer officials instead.

10. This was the forerunner of today's National Crime Agency, where DFID's aid-funded law enforcement team, the International Corruption Unit, sits.

‘We helped ourselves by helping other departments improve their own standing.’

With the DTI, we knew of the isolation and difficulties the small anti-bribery team had experienced with the predominant trade promotion ethos of the department. Boosting that team helped both us and them. Providing support for the Council of Europe/Group of States against Corruption (GRECO) process and OECD-related efforts, helped both the HO and DTI restore UK credibility in international circles. It strengthened the message that we were serious on anti-corruption (against criticisms being made of those departments that they weren’t trying). We helped ourselves by helping those departments improve their own standing.

Some concluding lessons

In using these stratagems, I offer some final qualifying advice:

No single approach fits all circumstances. You need to know the terrain well. Getting the tactics right will often be more important than the grand strategy. For example:

- in the absence of strong ministerial support at your own end, avoid escalating matters to ministerial levels; rather, work with your peers to influence change ‘from below’; and
- money may not always gain influence; but in the circumstances where it does, a little can achieve a disproportionate reward.

It takes time to build relations, but it is worth it. Every personality is reachable. You just need to find the right levers.

Do not expect to win merely by the strength of your own argument or policy. This was often a DFID temptation, to simply improve the logic of our argument. As a ‘new kid on the block’ in many arenas, this often raised hackles – and, more importantly, ignored bureaucratic politics. Whitehall is a game of interests, and we needed to know and use other departments’ interests.

The plea for ‘joined-up government’ was unlikely to serve DFID’s interests where the ‘histories’ of departments on a subject were unequal. When the ‘other side’ had the longest pedigree, ‘joined-up government’ was most likely to mean us joining them. This is not a recipe for success if our aim is to change the ‘scene.’

You must be realistic about how far you can hope to move another department. You are unlikely to shift them on fundamentals, at least in the short term.

‘Challenge not confrontation.’ There are big advantages in the indirect approach. Probing inconsistencies in other departments’ positions is more likely to win gains than stressing the rationality of your own.

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