

1. Cuáles pueden ser experiencias positivas y negativas sobre prevención y represión;
2. Cómo fortalecer a la sociedad civil en la lucha anticorrupción
3. Cuáles son los espacios públicos más efectivos para incidir y actuar;
4. Cómo podemos generar voluntad política por la transparencia
5. Cuál es el valor de las mediciones y los mecanismos de evaluación

The more one works with anti-corruption, the more one realises that corruption is not a “hard” concept. It is less an issue per se than a dimension of inefficiency. It is easy to see why. Any manifestation of corruption is a consequence of some failure of institutional and/or administrative processes. The corrupt person (on either side of the table, be as a public official or as a private citizen or representative of a private firm) takes advantage of such failures to subtract resources from the State – and thus adversely affecting the distribution of wealth. It follows that in order to diminish corruption, it is necessary to identify and correct the failures in the State’s institutional and administrative processes that allow the opportunists’ activities. And it also follows that if one fails to focus one’s attention on perfecting the State’s structures, one is bound to squander one’s efforts and will not combat corruption.

Of course, there are those who maintain that the problem of corruption is a *moral* problem, that is, a distortion of individual values, and that one combats corruption by perfecting each individual’s sets of values. Once such perfecting is achieved, one reaches “a world free of corruption”, as some put it.

The equivocation of such perspective can be demonstrated conceptually, but this will not be attempted at this time. In order to show how wrong it is, it suffices to point out the failure of religions in achieving that end. “Thou shalt not steal” has been bombarded into the ears of Christians for two thousand years. If such exhortations (and associated modern marketing spins) worked, we would not be discussing the matter of corruption here.

Besides being ineffectual, the “moral” perspective on corruption is affected by a family of other, more insidious, drawbacks, the main one being that it serves the objectives of those who strive to maintain things as they are. They achieve this by diverting the attention from what matters – namely, the actual circumstances that propitiate acts of corruption – to irrelevant issues, which in turn are usually concentrated on perfecting the minds of individuals. And what “things” are those that are to be maintained as they are? They are social inequality, concentration of wealth, intra-national and international conditions for economic exploitation, and above all conquering, partitioning and consolidating commercial markets. They do not reside in the realm of morals, but in the concrete realm of economics.

To get back to the matter at hand, acts of corruption can happen in any of the virtually infinite instances where a representative of the State interacts with a private individual. It can take unbounded forms, and it can happen at any moment. This makes it virtually impossible to characterise it, justifying the contention that it is not a “hard” concept. In fact, the metaphors one often finds depicting corruption as a “disease” are not in fact apt. A disease is something very specific, characterised by a set of symptoms and manifestations. Thus, for instance, smallpox is provoked by a virus, and produces certain manifestations in patients. The disease



is *identified* by such manifestations. One combats smallpox by vaccinating people, that is, by introducing attenuated smallpox virus into people's organisms and thus stimulating the creation of narrowly specialised antibodies. The smallpox vaccine is useless to prevent atherosclerosis, or any other disease. Conversely, one does not combat smallpox or any other disease by combatting "disease".

One does not combat corruption by combatting "corruption" at large, but by combatting the circumstances that propitiate the opportunity for public agents to abuse their power. As such circumstances vary immensely according to the issues at hand and across public organisms (and countries), it follows that one combats corruption in each field and each institution by striking at their actual vulnerabilities.

Prevention vs. repression. This furnishes the answer to one of the questions formulated in the present module of the discussion. Efforts to combat corruption should be primarily directed at prevention, and secondarily at repression.

This is not to say that repression should not be emphasised, but that such emphasis should be kept under perspective. Foremost is the fact that no repressive apparatus can spend more resources than it is recovered as a consequence of its efforts. Against the effectiveness of repression in the field of corruption stands the fact that it is always extraordinarily difficult to prove that bribery occurred. For instance, one can prove that some public official favoured a firm to win a contract in a public procurement tender. One can prove this because, usually, there is a paper trail, that is, decisions that were taken and, in order to be enforced, had to be registered somewhere. However, this is not the same thing as proving that bribery occurred. Proving that the official received a bribe to favour the firm is quite another cup of tea, because in order to do that one must exhibit the money trail: Money should be shown to have left the firms' coffers and having ended up in the (direct or indirect) possession of the official. Under the best of circumstances, proving it is quite an ordeal, and it is usually not done. For instance, in the Maluf case in Brazil, involving about US\$ 300 million allegedly originated in bribery and deposited in foreign bank accounts, the São Paulo Public Ministry spent about US\$ 200,000 just to uncover the probable money trail. The point here is that such cost would be the same if the amount were not US\$ 300 million but, say, US\$ 100,000. Nobody in his right mind would contemplate spending US\$ 200,000 to investigate a US\$ 100,000 case.

So, although punishing corruption might function as localised deterrent (when it is effective, which doesn't happen often), but in terms of more profound effects the battle is lost beforehand.

Prevention of corruption is much more effective. But one does not prevent corruption vaguely. Prevention means, firstly, understanding how is it that the institutional and administrative mechanisms work and where are their vulnerabilities. In other words, the first step is mapping each institution's risks.¹ Once the vulnerabilities are reasonably identified, then it becomes possible to suggest compensatory measures. These may take a number of forms, depending on the field under examination, from Constitutional and Legislative reforms to purely administrative measures.

¹ "Risk mapping" is a term coined and firstly operationalised by Transparencia Brasil.



Since acts of corruption are always associated to broader inefficiencies affecting the workings of the State, the risk-mapping and compensation measures cycle in fact attacks these inefficiencies. Preventing corruption is thus only a dimension of preventing public waste, and they cannot be separated.

Civil society participation. One of the mistakes affecting some CSOs is supposing that in general people become interested in substantial issues and act accordingly for intellectual, moral or emotional reasons. This might be the case in some instances – usually when the issues are distant and the personal involvement is safe. In such cases, people (that is, the affluent middle class) might give some money to support far-away causes. First-world economic interests often embark in such endeavours.

However, when it comes to uphold riskier causes, involvement is much harder to achieve. To defend a common interest, a community must firstly have rights and, further, understand them. Is this widespread? Much to the contrary.

Take for instance the local level. Countries in which the State needs to radically evolve are poor countries, where local economies, social relations and power structures might literally reside in the Colonial age. The common citizen is prey to entrenched interests that use the harshest measures to maintain their hold. Political and administrative power, together with the media and indeed many CSOs, are in the hands of the very same extended interest groups that dominate everything else. The “orderly” evolution of such state of affairs across an entire country requires economic development. (Naturally, in principle there is also the revolutionary evolution, which leaps over stages of capitalist evolution, but this was miserably defeated.)

Of course there are exceptional cases where a grass-roots organisation achieves a measure of success. However, they are usually exceptions. The Rajasthan-type of organisation is not the rule worldwide.

The field of governance, State efficiency and matters that have to do with corruption is further affected by a fundamental abstractness that stands in the way of reaching “people’s hearts and minds”. This is a field whose militants are more typically urban middle-class professionals and intellectuals. In other words, anti-corruption tends to be an élite affair. (Of course, this is only a general picture, not excluding specific isolated cases where the drive is drawn from elsewhere.)

Given their backgrounds, their best work would be to secure rights for citizens at large. This means focusing on the institutional framework, pushing for progress both in legislation and in administrative practices, seeding new and contrasting ideas, developing concrete initiatives of a collective nature and so on.

Differently from certain broad issues (such as racism), when a right can be defended in the absence of formal provisions guaranteeing it, in day-to-day life, formally securing rights is a *necessary* condition for citizens to defend them. Thus, if the laws of a country do not guarantee the right of firms to participate in public procurement in equal conditions vis a vis other firms, no amount of arguing will actually achieve the goal of getting competitive procurement (and lower prices, which is the point). It follows that it is impossible to attain a



reasonably open public procurement environment if one does not keep the legal environment firmly in focus.

However, securing rights might not be *sufficient*. Taking again the example of public procurement, a country's laws might guarantee open conditions for firms to participate in tenders and might establish open rules for deciding who wins, but if the firms are not willing to defend such rights, then the aim of the legislation will remain unfulfilled. This typically happens in primitive fields and in fields dominated by cartels, where *market failures* erode the institutional framework's potential efficiency. *Mutatis mutandis*, this applies to each and every citizen right. The unwillingness to defend one's rights is typical of underdevelopment. Brazil is a textbook case. For a country like Brazil, the lack of actual citizens' participation – as opposed to alleged and ineffectual “participation” – would be quite amazing if one forgot the abysmal state of underdevelopment affecting most communities – and minds.

Which public spaces. A CSO willing to change the environment should primarily focus on the opinion-forming layers of society. Usually, speaking directly to the people is not feasible.

Political will. This is a much overused expression. It has as its root the “moral” conception of history, wherewith the key for progress rests within the minds of the holders of power. However, as experience abundantly shows, “political will” is not nearly enough. In order to change the institutional/administrative environment, much more is required, namely, material resources. Such resources are never unbounded. The money the State collects from taxes must be used to finance a host of activities, ranging from salaries to government programs (and debt, of course, both domestic and foreign – running huge domestic debts is a traditional method the dominant classes use to maintain their hold on the State, and running a huge foreign debt does the same at the international level).

Prior to that, there is the matter of how much power an elected public official actually holds. No ruler holds unbounded power. Such power as they hold are always given in return of certain compromises benefitting a host of interests. Take any social ill. Since it is a social ill, then per necessity there are those who benefit from it, and attacking it means harming certain specific interests. In any society, those interests are usually well entrenched in politics and the administration. In underdeveloped societies, they are not sufficiently balanced by other, contrasting interests. “Political will” to change is always affected by that.

Be it as it may, the holders of power only take action when the knife is at their throats, so to speak. They must be politically pressured. Take, for instance, the matter of access to information.

Information is what moves the economy, and therefore each and every administrative process. In the absence of reliable information, public administrators make bad decisions. Additionally, in the absence of reliable information, there is no possibility for independent observers (such as the media and CSOs) to monitor the State. Conversely, having access to privileged information is the main tool entrenched interests use to maintain their ascendancy. Keeping information under wraps harms the State's allocative efficiency.

Thus, securing access to information held by the State is a necessity of development. The two arguments in favour of enhancing the flow of information (better information for decision-



making within the State and better information for society to monitor the State) can be explored simultaneously, by developing specific attacks. This is a field where CSOs can decisively act.

Presumably, a CSO has its focus on some issue or family of issues. Presumably, it holds conditions to understand these issues better than others. Therefore, it holds the potential capacity to develop information and analysis tools to better inform others. This exerts pressure over politicians.

For instance, in Brazil, the Association for Investigative Journalism (ABRAJI) has been spearheading the struggle to perfect access to information in the country. As well as exercising direct political pressure for changes in legislation, it provides a number of databases for journalists. Transparencia Brasil works closely with ABRAJI in the access to information field. In fact, all projects Transparencia Brasil develops centrally aim at information gathering, analysing and publicising. By doing this, the organisation provides means for others to better monitor the State – and provides means for the State itself to better decide.²

Measurement. In the public eye, measurement of corruption has been dominated by assessments of perceptions. Although such assessments served the purpose of calling attention to the issue of corruption, one can safely say that the “perceptions” cycle already ran its course. There are too many methodological problems affecting perceptions to justify their continued use.³

Since it pervades the State, corruption cannot be directly measured. In principle, one can approximate the incidence of bribery in each specific area of the State by conducting specific surveys and investigations. However, since it is clearly impossible to do that across the administrative structures, an aggregated measure of corruption affecting any given society is hopelessly unattainable – and the usefulness of such information is not altogether clear.

The discussion around the measurement of corruption has considerably evolved, part of the efforts being directed to the evaluation of the circumstances leading to corruption in public structures.

Where CSOs can act? They can act by focusing the attention on specific administrative structures and developing tools for evaluating the efficiency of the State’s activities. This is being done (starting from as many different points of view and at reaching different depths) in Mexico, Colombia, Peru and Brazil.

² Transparencia Brasil databases on political financing and newspapers stories about corruption are used in a daily basis by Federal control institutions. New databases, soon to be announced, concern public procurement. One of them will help public administrators and external observers to benchmark specific tenders, and the other will give information on all tenders (including prices) conducted by all 293 municipalities of one Brazilian state since 1997.

³ See for instance CWAbramo: “How Far Go Perceptions”, Transparencia Brasil Working Paper, February 2005 (www.transparencia.org.br/docs/HowFar.pdf) and the references thereof. See also CWA, “Still Lives: Perceptions of Corruption vs. Other Indicators” (www.transparencia.org.br/docs/StillLives.pdf).