

Report of the work session on the fight against corruption

Friday, July 21, 2000

The two guest speakers were Mr. Adolfo Aguilar Zinser, Senator of the United Mexican States, and Mr. Carlos Baráibar, Deputy of the Legislative Assembly of Uruguay.

In an effort to find a concise definition of corruption, the participants referred to the all-encompassing vision of this phenomenon expostulated by Mr. Oscar Arias Sánchez (Costa Rica) in 1997, in which he includes not only manipulations and misappropriations of all types, but also omissions, breaches of official commitments, lack of consistency between words and actions, double talk and the control of information by the leadership, in both the public and the private sector. Reduced to its simplest expression, corruption is the diversion of a public good from its normal use for the entire population, for the benefit of one individual or of a limited group. It includes the banalization of unethical acts and the fact of closing one's eyes to practices contrary to the interest of the population as a whole, including the parliamentary and governmental universe, which is also not exempt from certain diversions from the quest for the common good.

By examining the sources of corruption, the participants recognized that this phenomenon develops further each time there exist, in the rules of appropriation or of the exercise of power, grey areas that leave too much room for discretionary power on the part of policy-makers or those acting on their behalf. Lax regulatory measures, combined with the desire of certain people to increase their power, often lead to one form or another of influence peddling. Also deplored is the lack of accountability, of supervision, of control and of an obligation to render account to the leadership, and a tendency on the part of the latter to shunt aside their responsibilities by excessively delegating mandates that were in fact entrusted to them, after they themselves solicited them. Similarly, the socioeconomic inequalities and the excessive concentration of wealth encourage a number of citizens to draw on networks of contacts in order to try to offset the negative effects of the injustices of which they are the victims, and to improve their living conditions in spite of all, and sometimes, to survive. Where the standards are deficient, one also observes a "paternalistic" trend in the management of public goods, sometimes treated abusively as though they were private goods. In addition to observing that Parliaments are not generally equipped with appropriate instruments to fight against the different forms of corruption, it is also deplored that there is an overly high level of tolerance which is taken advantage of by a large number of people who gain many more advantages from their corrupt practices as compared to the few legal inconveniences that they must face. The result is a perception of impunity which does not dissuade the offenders, and on the contrary encourages them to continue their offences.

The comments from the participants brought out a few of the effects of corruption on the normal functioning of society. On account of the resources wasted, pillaged or misappropriated by a small number of people, the population must pay more for the services and for the goods which the State is not always in a position to provide. The entire universe of taxation and of financial commitments appears to be particularly permeable to corrupt practices. The fights for the control of these misappropriated funds, as well as the social injustices and the resulting frustration contribute to increasing crime and the related violence, which further accentuates the problem on account of the high social costs of the fight against this phenomenon. A link was also established between governmental corruption and the degradation of the environment, each time the standards and controls are loosened through complacency, to accommodate certain groups. Everything connected with the financing of political parties and election campaigns is also seen as a very important grey area, which is often used as a way in for offenders seeking favours. This grey area unfortunately draws together certain servants of the State, whether elected officials or bureaucrats, and individuals involved to varying degrees in organized crime, illegal drug trafficking and money laundering, all seeking greater power and influence. The result is sometimes a veritable parallel system, which has been compared to “patronage” and to the protection of the shady inner circles, which reduces the effectiveness of the State apparatus and considerably undermines the population’s trust toward its institutions and its leaders. The cynicism of citizens is worsened when in addition, the leaders deprive them of the information to which they are entitled to exercise, with the media, in a context of freedom of speech, the control that still dissuades certain persons from entering the pathway of corrupt practices.

The guest speakers and participants formulated a certain number of objectives that may become a plan of action for all parliamentarians. When the causes of corruption are identified, a shadowy concept prevails, whereas the theme of transparency is omnipresent in the elements of solution proposed by the participants. According to them, it is incumbent upon parliamentarians:

- to create or reinforce transparent mechanisms for all governmental and parliamentary activities;
- to upgrade the level of transparency and accountability of public institutions, to exercise more rigorous control over public servants, and to reinforce the mechanisms for supervision of public expenditures, of allocating financial commitments and budgets, in order to ensure the optimal use of resources for the benefit of the population as a whole;
- to ensure that decentralization is accompanied by supervision of the efficient use of resources at the local level;
- to ensure that the powers of public investigation conferred upon the legislative branch are used to the utmost, without being limited to a mere political “witch hunt”;
- to reinforce parliamentary control over the action of the government and of political parties, to limit the occurrence of corrupt practices;
- to work in concert with the population and NGOs to guarantee a better rendering of accounts at all levels;
- to act transparently in the management and dissemination of information to the entire population and to the media;
- to adopt or reinforce ethical rules regarding the use of information and to place modern technological means in the service of universal access to information;

- to respect the independence of the three branches of State authority, in particular the differences between the powers of control and investigation of each, as well as independence in the selection of judges;
- to reinforce the legislative standards and ethical rules to prevent and punish corruption, in order to better protect society as a whole;
- to develop a zero-tolerance attitude toward corruption, including within Parliaments, and to ensure the education of young people, in particular, concerning ethical values, in an effort to attack corruption head on, and thereby reduce poverty, which it worsens;
- to provide clear guidelines for lobbying, to avoid its being perceived as or becoming a form of influence peddling.

In conclusion, the discussion emphasized the delicate balance between the goals of transparency and efficiency, between the transmission of information and the protection of personal information, with banking secrecy appearing as a typical example of the problems surrounding the phenomenon of corruption. In addition, globalization, the development of communications technologies and the lack of harmonization of the legislative frameworks of the different countries may foster the development of corruption. Given this problem with worldwide ramifications, parliamentarians must demonstrate their will and political courage to fight against all manifestations of corruption, from tax evasion to money laundering, and from the black market to influence peddling, and seek to eliminate the banalization of corruption or, worse still, the renunciation of the battle against this virus that threatens State and democratic institutions. Parliamentarians must not content themselves with the passing of laws; they must also see to their full implementation.