South America

Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay, Venezuela

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Overview

South America has been racked in recent months by economic crisis, social unrest and popular rejection of the region's political leaders. From Argentina to Paraguay, Venezuela and Peru, angry protesters have poured into the streets to vent their frustration, and the stability of several nations appears in peril.

The persistent scourge of corruption in South America has nourished the roots of this discontent. More than a decade after the transition to democracy planted hopes of reform, the region continues to be preyed upon by networks of elites who abuse their positions for illicit gain. The very institutions charged with preventing and fighting corruption are too weak to do so, or compromised by the influence of the transgressors themselves. As Transparency International's 2002 Corruption Perceptions Index (CPI) so vividly reflects, respondents view South America as one of the most – if not the most – corruption-plagued regions in the world.

Graft has contributed to the economic problems of the continent by stunting productivity and robbing it of already scarce financial resources. But corruption's malign effect goes deeper: amid the present economic crisis, continuing revelations of government corruption have eroded the credibility of government institutions, reform programmes and the already fragile public trust in the political process itself. Recent surveys reveal two ominous and interrelated trends: South Americans believe that corruption is getting worse, and they are growing more and more dissatisfied with democracy.

Nevertheless, the persistence of corruption in South America has prompted and strengthened efforts to fight it. There are currently hundreds of investigations under way into the activities of Peru's former president, Alberto Fujimori, and his intelligence chief, Vladimiro Montesinos, while in Bolivia a former president and several other former officials are under investigation for defrauding the country of millions of dollars. Yet leadership changes in both countries have thrown the continuity of their reform programmes into question.

International organisations, deeply concerned by the threat corruption poses to democracy and growth in the region, continued to contribute financial resources, provide technical assistance and promote international treaties.
Though an exasperated civil society has rallied to the fight against corruption, the reaction so far has been characterised by expressions of public anger. The widespread street protests in the region last year have yet to evolve into a coherent movement for constructive change. Worryingly, South Americans appear increasingly inclined to reject the political system outright, rather than to embrace it as a vehicle for progress.

While the media were potent champions of the fight against corruption during the year, press freedom in the region came under attack, and many cases of intimidation, forced exile or assassination of journalists were documented during the year.

**International and regional**

The past 12 months saw an increase in the attention paid to corruption issues by international financial institutions (IFIs), such as the World Bank and the Inter-American Development Bank (IDB). Having focused on reforming economic policies in the region over the past decade, the IFIs have begun to allocate more resources to ‘second generation’ reforms of an institutional character. Donors are increasingly concerned that development funding should not be extended to corrupt governments and new loans are more frequently dependent upon putting in place safeguards against corruption. The United States has also demonstrated a growing wariness of the rampant corruption in its Latin neighbours.

In January 2002, the Organization of American States (OAS) began follow-up work on implementing the Inter-American Convention against Corruption. By mid-2002, the committee of experts drawn from the member states agreed upon a questionnaire and a methodology to examine compliance with the convention in such areas as the declaration of the income, assets and liabilities of public officials and the effectiveness of oversight bodies. Although there will be no formal sanctions against countries that fail to implement the convention adequately, evaluation reports will serve to pressure governments to change or improve aspects that analysts consider unsatisfactory.

Thus far, three of the four non-member countries to sign up to the 1999 OECD Anti-Bribery Convention are South American – Argentina, Brazil and Chile. Argentina and Brazil have ratified the convention, which adopts common rules to punish companies and individuals engaging in bribery transactions, and criminalises the payment of bribes in foreign countries. In June 2001, the OECD also launched the Latin America Governance Initiative, which seeks to advance both the OECD and OAS conventions in the region through a series of workshops and forums.

Although the OAS and OECD conventions are important milestones in the fight against corruption, the gulf between these commitments and meaningful changes at home is wide. No country in the Western hemisphere has fully complied with the OAS convention’s main requirements, and progress has been slow. 

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The IDB offered loans in support of anti-corruption and transparency initiatives to several South American countries in 2001–02. These included a loan to Chile to help modernise the office of comptroller general and another to Bolivia to establish an integrated financial management system in 91 of the country’s 314 municipalities. The IDB’s Multilateral Investment Fund also approved a US $1.23 million grant in June 2001 to Argentina, Bolivia, Brazil, Chile, Ecuador, Peru, Uruguay and Venezuela to create and strengthen Financial Intelligence Units to track and analyse transactions suspected of being money laundering operations.

The World Bank Institute offered a series of courses designed to encourage representatives from different sectors of society to form anti-corruption coalitions among state institutions, the private sector and civil society in their home country.

The United States Agency for International Development (USAID) focused its anti-corruption programmes at a more local level. In Colombia, Ecuador, Paraguay and Peru, USAID emphasises strengthening local democracy through citizen participation, local institution-building programmes and the implementation of internal control mechanisms. With technical guidance from the Colombian vice-presidency and financial assistance from USAID, mayors from Colombian regional capitals signed ‘transparency pacts’, public agreements between the elected officials and their constituents to implement efficiency and anti-corruption programmes. Alarmed by what it refers to as a growing ‘crisis of democratic legitimacy’ in Ecuador, USAID continues to provide technical assistance to strengthen the Civic Anti-Corruption Commission and offers civic education to strengthen accountability and democratic culture.

Through the Global Programme against Corruption and with financial support from USAID, the United Nations Office for Drug Control and Crime Prevention began implementing a programme to strengthen local governments in Colombia in October 2001. The mayors of the cities of Ibagué, Manizales and Pasto signed anti-corruption agreements and are pursuing improved access to information and greater transparency in such areas as public procurement.

National

A number of South American countries were drawn into what was the region’s worst economic crisis in two decades. From Argentina, the crisis extended to Brazil, Paraguay and Uruguay and posed a threat to other unstable economies in Bolivia and Venezuela. Against this backdrop, high-profile cases of corruption involving political leaders, dubious campaign financing, privatisation deals and money laundering served further to degrade both public confidence in government and general investor confidence in the South American markets.

The case of Peru’s former president Alberto Fujimori and his former head of intelligence, Vladimiro Montesinos, was one of the most prominent scandals in the region, allegedly involving arms acquisitions, real estate fraud and the misappropriation of...
military and police budgets. The dozens of bribe-takers captured on tape in the infamous 'Monte-videos' vividly illustrated that the scandal tainted all branches of government, as well as the independent election commission, banks and large media organisations. Luis Moreno Ocampo, president of the Argentinian chapter of Transparency International and professor at Stanford University, has noted that these 'social networks' of corruption go far beyond one president or a single ministry, and are capable of subverting even 'the most carefully organised bureaucracy'.

The transitional administration of Valentin Paniagua made some effort to combat the corruption in the Peruvian political world in the aftermath of the Fujimori-Montesinos era. More than 240 investigations related to the case are under way, involving more than 1,300 people. Preliminary findings indicate that Fujimori may have stolen more than US $180 million. In spite of the large number of investigations and Montesinos' imprisonment, however, surveys suggest that 75 per cent of Peruvians believe that corruption will persist. Analysts expressed concern that the National Anti-corruption Initiative, launched with great momentum by Paniagua's interim administration, has tapered off under President Alejandro Toledo.

Beyond Peru, a growing number of public officials – including presidents – face prosecution for alleged misdeeds while in office. A Bolivian investigation into several political officials, including former president Hugo Banzer, his son-in-law and members of the congress, allegedly uncovered millions of dollars in stolen funds. The investigations were initiated during the short-lived presidency of Jorge Quiroga, who took power in August 2001 and promised to root out corruption and nepotism. His efforts constituted part of a broader institutional shake-up that was applauded and assisted by the World Bank and other IFIs. As term limits forced Quiroga to step down after only one year in office, however, it is unclear how the reform programme will proceed without the political leadership of its principal architect.

In Paraguay, prosecutors charged President Luis Gonzáles Macchi with illegally investing state funds, while former president Juan Carlos Wasmosy was sentenced to four years in prison for transferring US $6 million of government money to a private bank in which he was a secret shareholder. President Macchi declared a state of emergency after days of violent demonstrations by citizens demanding his resignation. The protest was sparked by virulent opposition to the government's plan to privatise the state-owned telephone company as well as allegations of corruption.

Brazil, as the largest country in South America, provides an important indicator for the state of corruption on the continent. While some progress has been made during the six-year term of President Fernando Henrique Cardoso, many Brazilians are disappointed and the majority believe that corruption is worsening.

The perceptions were reinforced early in the current presidential election campaign, when the leading candidate of the Liberal Front Party, Roseana Sarney, was compelled to abandon her presidential aspirations after it was discovered she had
Channelling money abroad?
Jersey versus Brazil in the case of Paulo Maluf

In June 2001, a leading Brazilian newspaper reported that more than US $200 million in deposits had turned up in a Citibank account in Jersey, Channel Islands, that allegedly belonged to Brazilian politician Paulo Maluf.1 Former mayor of the city of São Paulo, a former governor and a major figure in national politics, Maluf had already survived numerous allegations of corruption when the latest accusations emerged. Owing to concerns that the source of the money was suspect, the Jersey account has effectively been ‘frozen’.

The public prosecutor’s office in São Paulo has taken a keen interest in the account. It suspects Maluf and his family of using foreign accounts to launder large sums of money acquired fraudulently during Maluf’s term as mayor. In particular, Maluf is alleged to have received illegal payments from contractors hired to execute public works projects for the city of São Paulo. The prosecutor’s office has secured evidence and testimonies that contractors responsible for public works cooperated with Maluf via a system of subcontractors, kickbacks and black market money exchanges.

The evidence seems to indicate that the Jersey account served as an outlet for corruptly acquired money. Confirmation from Jersey that Maluf is indeed the beneficiary of the account would enable the authorities in Brazil to open an investigation into possible tax evasion. Brazilian officials have expressed frustration, however. Although they have sent a large amount of evidence and numerous requests for information to Jersey, confirmation of the account holder’s identity was still not forthcoming by July 2002, more than one year later. Officials in Jersey claimed that they had not yet received a proper application from Brazil to supply the information. As a result, while the authorities at both ends try to sort out the legal questions, the case against Maluf has stalled.

The cost of public works projects during Maluf’s terms in office attracted investigators’ attention because they tended to greatly exceed the cost of works elsewhere. For instance, the cost per metre of a simple city road built under Maluf’s administration was the same as a metre in the Channel Tunnel, the underwater railway that links Britain to the European mainland.

Maluf insists that the cost of public projects he administered was legitimate, that he never received corrupt money and that he never held money abroad. He continues to dismiss all accusations of wrongdoing, claiming they are lies intended to tarnish his reputation.

Maluf remains popular in the state of São Paulo, particularly among the poor. During his various terms, he presided over a number of public works schemes, including the construction of roads, bridges and tunnels. Such projects were seen as a measure of his capacity to get things done.

But corruption is an issue of concern for Brazilians – or, at least, the level of tolerance is diminishing. The fact that Maluf was defeated by Marta Suplicy in 2000 in his attempt to be re-elected as mayor of São Paulo might be evidence of this change: Suplicy ran on an anti-corruption platform.

The stand-off between Brazil and Jersey illustrates the difficulties involved in prosecuting cases where allegedly stolen funds have been sent abroad. Similar, if not more contentious, issues can arise when the repatriation of stolen funds is at stake.

Roberto Cosso

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1 Roberto Cosso, Folha de S. Paulo (Brazil), 10 June 2001.
accumulated 1.3 million reais (US $400,000) in banknotes in the office of her consulting firm. Her husband and business partner admitted that the money was intended to support her campaign, in violation of financing rules.\textsuperscript{23}

To its credit, Cardoso’s administration has logged important advances on the anti-corruption front. The country’s 2000 Fiscal Responsibility Law, which enhances control and monitoring over public expenditures, became fully operational in 2002, while the office charged with internal financial oversight was removed from the finance ministry and given more independence.\textsuperscript{24}

But such progress is invisible to most Brazilians. In a public survey in mid-2002, 51 per cent of respondents answered that federal corruption had grown worse or much worse during the previous two years; 41 per cent said it was worsening at state level; and 40 per cent gave the same response about municipal corruption.\textsuperscript{25}

Critics put much of the blame on Brazil’s complex and shifting web of political party alliances. By spreading political allegiance across a number of different parties for the sake of electoral gain, these ‘marriages of convenience’ have hindered Cardoso’s anti-corruption efforts because any serious offensive would compromise individuals in his own coalition.\textsuperscript{26}

Colombia has suffered the tragic consequences of endemic theft by politicians and public officials for decades. Entwined with the production and trafficking of illegal drugs, this behaviour exacerbated underdevelopment and lawlessness in the countryside, where a brutal war continues to claim the lives of some 3,500 civilians a year. A World Bank survey released in February 2002 found that bribes are paid in 50 per cent of all state contracts.\textsuperscript{27} Another World Bank report estimates the cost of corruption in Colombia at US $2.6 billion annually, the equivalent of 60 per cent of the country’s debt.\textsuperscript{28}

Allegations of government corruption and the misuse of funds were also central to the tensions that threatened to tear Venezuelan society apart in 2001–02. The opposition launched a series of lawsuits against President Hugo Chavez on charges ranging from the misuse of a government economic stabilisation fund to failing to declare cash received from the Spanish bank BBVA in a previous election campaign. Critics also pointed out that the president had authorised that social programmes under the Plan Bolivar should be conducted in cash, a recipe for abuse.\textsuperscript{29} Several years after sweeping to power on a tide of anti-corruption sentiment, Chavez now stands accused of overlooking the prevalence of corruption in his own government.

Nowhere have street protests framed the contemporary political discourse more than in Argentina, which found itself in full-blown economic and political meltdown throughout 2001 and 2002. When not clashing with riot police, citizens parade down the avenues to protest against a system they believe is bloated, corrupt and unresponsive.\textsuperscript{30} The country is still being buffeted by news of abuses during the rule of Carlos Menem. He was detained for six months in 2001 on charges of illicit arms smuggling and money laundering, but released after a controversial decision by the high court.\textsuperscript{31} Former economy minister Domingo Cavallo was among those arrested
in the scandal, which involved selling 6,500 tonnes of weapons to Ecuador and Croatia. Cavallo allegedly signed decrees ordering arms sales to Panama and Venezuela that had ended illegally in Croatia and Ecuador between 1991 and 1995. The latest allegation is that Menem received a US $10 million pay-off from Iran to cover up its role in the July 1994 bombing of a Buenos Aires synagogue.

A survey by Corporación Latinobarómetro in Chile reveals that 71 per cent of respondents there believe corruption is worsening. Chile received a cleaner rating than many Western European countries in TI’s 2002 Corruption Perceptions Index, but experts say there is room for improvement in the areas of civil society participation and control over political campaign finances. A recent study by the IDB shows that dissatisfaction with the reform process is growing throughout the region, particularly among a middle class disappointed with the leadership of the past decade. The same study notes that two out of three Latin Americans are dissatisfied with democracy and only one in two believes that it is the best form of government.

**Private sector**

The same IDB survey revealed that 63 per cent of respondents are convinced that the results of privatisation are negative. ‘What makes Latin Americans frustrated,’ observes one of the authors, ‘is not the privatisations themselves, but the corruption that surrounds them.’

![Cartoon of a businessman saying, “¡CREAME! ‘ME ESTOY YENDO A PAGAR, LA DEUDA EXTERNA!’” and another saying, “NO SE POR QUE TENGIS DUDAS, SR. PRECEDENT.”](Bonil, Ecuador)
The corrupt and non-transparent privatisation of state-owned companies is a common source of resentment across the region. Peru’s President Alejandro Toledo was forced to suspend the sale of two state-owned electricity companies to Belgium’s Tractebel after violent demonstrations in June 2002. Toledo had promised in his election campaign not to privatise the two companies, but their disposal became part of a wider effort to fulfil agreements with the International Monetary Fund. Opponents argued that the sales lacked transparency and a senior official even admitted that the government had ‘never explained or proved to the country how it reached the sale prices, what the rates of investment would be and what would happen to workers after the sale’.38

While the government was reconsidering the deal with Tractebel, investigators were questioning the company about allegations that Tractebel had paid Fujimori US $10 million in kickbacks between 1996 and 1998. The Peruvian daily La República reported in March 2002 that a former Tractebel consultant had evidence that one company unit had paid bribes to Fujimori in connection with the company’s purchase of an electricity utility in 1997. The company vehemently denies the allegations.39

The sale of the state telecom company Copaco in Paraguay was also suspended after thousands of citizens blocked roads and bridges in protest. The privatisation was fraught with controversy since a former state reform minister was charged with fraud after it was alleged that he skimmed money from the deal.40 The World Bank, which provided technical assistance for the scheme, said in June 2002 that it was requesting a special audit of the project accounts.41

The Enron bankruptcy and the corruption surrounding the company’s demise had repercussions in South America. A Bolivian congressional commission was established to investigate Enron’s 1994 acquisition of an ownership interest in a Bolivia-Brazil gas pipeline and the transportation wing of the formerly state-owned oil company, YPFB. Congressman Armando de la Parra, who leads the investigation, said that competing companies were given just 13 days’ notice of the public bid for the pipeline although Enron had been discussing the project with former president Gonzalo Sánchez de Lozada about five months earlier. ‘We have not yet uncovered conclusive evidence proving it, but all signs point to probable corruption,’ said Parra. ‘The public bid was obviously a sham to mask a secret deal between Sánchez and Enron.’42

The sport of soccer, the continent’s passion, was also tarnished by corruption allegations in the past year. Seven months before Brazil won an unprecedented fifth title in the World Cup in July 2002, a congressional inquiry into suspected mismanagement and corruption published a 1,600-page report accusing Ricardo Teixeira, president of the Brazilian Football Confederation, of money laundering, fraud and general mismanagement. The report recommended that Teixeira, who is also a member of FIFA’s executive committee, be prosecuted for his criminal management of the soccer confederation. It blamed him for the ‘irrational and criminal way the
confederation’s funds were managed to the benefit of certain people’. Under Teixeira’s stewardship, the confederation accumulated debts of more than US $10 million between 1995 and 2000, some of which stemmed from ‘inadmissible expenses’ such as US $2,000-a-day limousine rentals in New York.43

Civil society

José Ugaz, lead investigator in the case against Montesinos and a former special prosecutor against corruption, assumed the presidency of a recently created anti-corruption coalition in Peru called Proética, Transparency International’s partner in the country. Following up on its commitments made at the first National Anti-corruption Conference in Lima in June 2001, Proética has embarked on a series of activities aimed at making public procurement processes more transparent and promoting access to information. Looking back at the first year of the new year administration in Peru, in mid-2002 Proética gathered signatures of 36 well-known Peruvian personalities in an open letter to President Toledo calling for a more effective anti-corruption programme.

TI’s national chapter in Argentina, the NGO Poder Ciudadano, expanded its programme of civic monitoring of public institutions by mobilising and training students, neighbourhood associations and other groups. A report that Poder Ciudadano issued after seven months of monitoring theArgentinian senate described the upper chamber as a ‘captured institution’, confirming that many of its rules on transparency are not applied in practice. Poder Ciudadano also runs the ‘Visible Candidates’ project, which provides a complete profile of congressional election candidates and their campaign finances. The programme, which operates in Argentina, Colombia, Ecuador and Panama, encourages candidates to issue statements about their financial history, campaign financing, political record and policies.44

As reflected by the violent street protests in Argentina and elsewhere in South America, developments at the grassroots level reveal a worrying trend. With confidence in the political process shattered, many South Americans seem to be losing hope that they can address their concerns through constructive democratic processes. ‘The exclusion generated by corruption impedes collective action,’ observed Poder Ciudadano. ‘Society can only react to past cases but cannotcoordinate to make changes in the future.’45 This makes the promotion of such process-oriented civil society groups more important than ever.

The media, and investigative journalists in particular, continue to be among the most potent forces against corruption, though at times they pay a high price. In 2001, the El Salvador-based NGO Probidad, Journalists against Corruption (Periodistas Frente a la Corrupción, PFC), catalogued the cases of 114 journalists who had suffered reprisals in Latin America because of investigations into corruption; five of them were killed.46 PFC registered 36 such attacks, including two killings, in the first months of 2002 alone. The Committee to Protect Journalists identifies Colombia as
one of the worst places in the world to work as a journalist. In January 2002, a newspaper journalist who regularly criticised corruption in the province of Caldas was gunned down outside his office.

By contrast, members of the media establishment sometimes find themselves the objects of corruption investigations. In Peru, all six commercial television stations came under investigation after the airing of secret videotapes of Vladimiro Montesinos distributing large amounts of money to media bosses in exchange for cover-

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**Access to information in South America**

In the last year, new e-government initiatives were developed across the region to provide on-line information about government agencies, such as their institutional procedures, programmes, bills, expenses and services. The Argentinean government, to take one example, launched 'Active Control', a website intended to enable citizens to monitor procurement tenders and contracts carried out in the public sector.

The Internet has been an important tool for limiting corruption in public bids, allowing the publication of auctioning, processing and offer results on-line. Brazil and Chile are regional pioneers in this area, having established Comprasnet (www.comprasnet.gov.br) and ComprasChile (www.compraschile.cl) respectively. Colombia’s e-government site (www.gobiernoenlinea.gov.co) is up and running and Peru is working on a similar model.

Press liberty is often restricted in South America, which presents a major obstacle to the access and dissemination of information. Between January and March 2002 alone, the NGO Journalists against Corruption documented 36 separate cases of journalists being threatened because of their reports about corruption.

Press liberty in Venezuela is particularly at risk after the coup that briefly ousted President Hugo Chavez in April 2002. Caught between media managers hostile to Chavez and angry pro-Chavez protesters, journalists find it difficult to cover the news impartially. At the height of the confusion during the coup, Venezuelans were forced to rely on CNN for information.

The last 12 months saw negligible progress in the legislative arena in support of access to information. The more significant developments included Chile’s Law of Administrative Integrity, which formally introduced the right of access to state information, and a proposed Argentinean law on access to information.

In Paraguay, a controversial access to information law that would have limited access to public records met with forceful opposition. Journalists argued that the law, signed by President Macchi in July 2001, would have made corruption investigations much more difficult and that the sheer number of bureaucratic procedures would have hampered their ability to report the news. The law was eventually repealed in September 2001.

Parliament is now considering legislation to address the issue of access to information. One proposal under consideration was drafted by the Paraguayan Press Union (Sindicato de Periodistas del Paraguay), in collaboration with other civil society groups.

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2 Clarín (Argentina), 19 September 2001.
4 CPJ News Alert, 17 April 2002.
5 La República (Peru), 26 December 2001.
age slanted in favour of former president Fujimori. At least three caught on video fled the country, including the owner of Panamericana Television, who was arrested on arrival in Argentina.49

1 Particular thanks go to Diana Castro Benetti and Roberto Saba.
5 La Nación (Argentina), 4 June 2002.
14 La República (Peru), 9 November 2001.
18 Interviews with Luis Moreno Ocampo and Jairo Acuna, 31 August 2002.
19 Los Tiempos (Bolivia), 23 October 2001.
20 BBC News (Britain), 10 April 2002; New York Times (US), 16 April 2002.
21 Economist (Britain), 18 July 2002.
22 Ibope poll conducted for TI Brazil, www.transparencia.org.br.
23 Economist (Britain), 14 March 2002.
24 Interview with Claudio Wéber Abramo, 31 August 2002.
25 Ibope poll conducted for TI Brazil, www.transparencia.org.br.
26 Author’s interview with Claudio Wéber Abramo of TI Brazil.
29 Financial Times (Britain), 21 August 2002.
32 Reuters (Britain), 3 April 2002.
34 For more information, see p. 282.
37 Ibid.
38 Latinamerica Press (Peru), 1 July 2002.
39 Reuters (Britain), 20 June 2002.
44 www.transparency.org/activities/monitoring/monitor_index.html.
45 Poder Ciudadano/InfoCivica presentation on the Corruption Perceptions Index 2002.
46 For more information, see www.portal-pfc.org.
47 Committee to Protect Journalists (CPJ) press release, 3 May 2002; www.cpj.org/enemies/worst_places_02/worst_places_02.html.
48 Reuters (Britain), 2 February 2002.