

Forum: United Nations Office on Drugs and Crime

Issue: Tackling the Issue of Political Corruption in Latin America

Student Officer: Tassilo Michaelis

Position: President of the United Nations Office on Drugs and Crime

PERSONAL INTRODUCTION

Dear delegates of the UN Office on Drugs and Crime,

It is with great pride that I welcome you to this Committee and Conference as the President of the UNODC. My name is Tassilo Michaelis, and I have participated in both previous MUN Conferences at QE, so I have a range of experiences as a delegate, which I hope will help me guide you through these two days. If this is your first time at MUN, I am sure you will quickly realise what a lovely community and event this is, but if you have any questions or concerns do not hesitate to contact me.

This study guide will seek to introduce to you one of the two topics we will be debating in our committee, the issue of political corruption in Latin America. It is important to emphasise the benefit of doing further research on your own, as this guide will only give an overview of the topic, not delving into the deep intricacies. Furthermore, your countries will all have different stances on the problem and its solution, so a closer look at that would be recommended.

As you will come to realise, this issue is one that is very difficult to overcome, due to its deep roots in the social and economic history of the region, but its effects spread much further than merely the Americas. Therefore, the goal of this committee will be to come together and find a solution that will be able to stand the test of time, properly tackling political corruption across Latin America, to bring a lasting solution that can unlock much of the economic potential of the region, as well as offering a new sense of freedom for the 650 Million people living there.

I hope you find this study guide helpful, and that this will set up your further research. If you have any questions on the contents of this guide, or how to continue preparation past this point, please feel free to contact me through: 3404@queenelizabeths.kent.sch.uk

Yours Sincerely,
President of the UNODC



TOPIC INTRODUCTION

Political corruption is not a new phenomenon in Latin America, but has seen a major rise in recent years. With early roots derived from colonial rule, and the authoritarian regimes which followed, a clear precedent on this matter was set very early on in the formation of these countries. As many dictatorships fell in the 1980s, the following decades had a clear focus on fighting the corruption ingrained in much of governing in Latin America. However, the focus on this has been lost in recent years, made evident by the apparent explosion in corruption during the Covid-19 pandemic.

Latin America was colonised by Spanish and Portuguese in the 15th and 16th century, enslaving the native population, and replacing them with imported African slaves when these populations were decimated by either disease or the ill treatment by the colonisers. This colonialism set the basis for high rates of political corruption as it brought conditions which promote political corruption, through their power structures and economic exploitation.

In the early 19th century, many movements for independence emerged across Latin America, potentially as a result of the successful campaign by the United States (the American Revolution). This resulted in the formation of many federal republics which emerged from the old colonial territories after successful wars of independence, however, this would not prove an easy situation, as the defining and consolidation of a new country was a high task, with the legitimacy of new governments frequently being questioned. This resulted in instability within the region, with elite groups dictating the future of the region, resulting in dictatorships and military leaderships (a trend which the USA was particular in encouraging). This new Latin America found it hard to break from the legacy it had emerged from, with political corruption still being rampant throughout the region.

The 1980s provide a turning point in the story of political corruption in Latin America, as a trend towards democratic rule reemerged, which also brought a new focus on the high political corruption in the area. This focus resulted in the first strong pushback on political corruption, a wave of optimism which lasted deep into the new millennium.

In the modern day, political corruption is again on the rise, with the Covid-19 pandemic acting as a catalyst, governments increasing intervention to deal with this new threat. This diverted funds and attention, again providing increasing opportunities for political corruption. Though the United States is trying to push back against this surge, it is failing to find an audience in the governments of Latin America, instead identifying civil society as a suitable alternative to reverse the newest trend of political corruption.

KEY TERMS

Civil Society: Civil Society is composed of organisations and associations that serve the public's needs but operate outside of governmental and corporate spheres. A strong civil society can greatly improve the voice of the people and through this lead to a more democratic state.

Clientelism: The exchange of goods and services in exchange for political support, this is often either implicit or explicit.



Cronyism: This the process of appointing friends and associates to positions of authority, without proper thought to their ability to fulfil these roles effectively.

Political Corruption: Government officials using their power or network for illegitimate private gain, often at the expense of the public. This can harm the countries affected as it reduces public trust and undermines the integrity of government institutions.

Grand Corruption: Higher ranking government officials exploiting opportunities through their work to generate private benefit (often large sums), at the expense of the population.

Petty Corruption: This is the everyday abuse of entrusted power (such as taking bribes) by public officials in interactions with ordinary citizens, who are trying to access basic goods or services, in places such as hospitals or schools.

Embezzlement: A form of fraud where a person intentionally takes assets for personal gain which were entrusted to them, in political corruption this often refers to public funds or resources being diverted to the private benefit of politicians.

Judicial Independence: The concept that the judiciary (courts) should be independent from other branches of government, this ensures that they remain fair and impartial from influence.

Kickbacks: Illegal payment intended as compensation for preferential treatment or any other type of improper service received, this falls under the umbrella term of bribery.

Latin America: Not an exact geographic area, mostly referring to the region in Americas where romance languages are spoken, technically this could even include Quebec or Louisiana. Tends to encompass the Americas south of Mexico (inclusive), with exceptions of Suriname, Guyana and the Falklands.

Nepotism: Similar to Cronyism, the practice of favouring relatives, friends or associates and giving them advantages, privilege or high positions in a field, in this case referring to government positions.

Money Laundering: Disguising financial assets so they can be used without detection of the illegal activity that produced them, by converting it into a legitimate source.

Transparency: Being open and transparent in government operations, which allows for scrutiny by the public and accountability for actions, allowing third parties to examine decision making and ensure there is no foul play.

Whistleblower: The activity of a person, often an employee, revealing information about activity within a private or public organisation, that is deemed illegal, immoral, illicit, unsafe or fraudulent.

BACKGROUND INFORMATION

Colonial History (15th - 19th Century)

The colonial history of Latin America has undeniably shaped its situation today, laying down the foundations for much of the issues that face the region today, especially the issue of political



corruption. In contrast to the colonisation of the USA and Canada, the Spanish and Portuguese colonists of Latin America were clear extensions of their respective countries and governments, exemplified by the permanent settlements all being state-sponsored. This meant that anyone wanting to get rich and make a name for themselves in this region required a link to the government, to create validity and legitimacy - which often required a licence from the respective authorities of either Spain or Portugal. Whoever owned these licences obtained a large legal monopoly in the region, with a total disregard for the native inhabitants, virtually enslaving them to their new overlords. The large profits from this business led to many from Europe wishing to enter this trade, which led to bribes from Spanish or Portuguese officials becoming standard practice - a culture that followed the colonists across the ocean.

Mexican PRI Era (1929 - 2000)

The Institutional Revolutionary Party (Partido Revolucionario Institucional; PRI) was founded in 1929 and was in power in Mexico for 71 years in a row, its rule ending in the year 2000, though it changed its name twice throughout this rule - starting as the National Revolutionary Party (Partido Nacional Revolucionario) on the 4th March 1929. On the 30th March 1938 the party became the Party of the Mexican Revolution (Partido de la Revolución Mexicana) before finally becoming the PRI on the 18th January 1946, the name it would keep until it lost power at the turn of the Millennium.

Though at first taking power through democratic means, the PRI held onto power through their extensive network of political corruption, by establishing patronage networks and relying on strong figureheads which could circumvent laws to maintain power. This system resulted in politicians providing a variety of bribes to ensure support and election success; clientelism such as this aided the rapid growth of political corruption in Mexico, with very little alternatives for voters and any that existed being systematically isolated.

Such a system meant that government accountability was very low, allowing elected officials to act with impunity, which led to low transparency and legitimacy- 71 years of this allowed political corruption to become very complex and entwined with the actions of the state. Even civil society was built around support to the PRI, only being allowed to collectively bargain if they promised their support to the government. Overall, this institutionalised corruption made the political path very narrow, becoming ingrained in the political culture and has continued to generate and institutionalised political corruption in Mexico up until the current day.

Lava Jato (Car Wash) Scandal (2014-2021)

Lava Jato was a giant corruption investigation which was launched in March 2014, with the press, at first, describing it as the biggest corruption scandal in the history of Brazil (later proclaiming it the largest in Latin America). The investigation started off with an investigation into “doleiros” (black market money dealers), who use small businesses to launder profits from crime. These were found to be working on behalf of the director of refining and supply at Petrobras - the company with the highest valuation (and debt) in Latin America, which accounted for over an eighth of all investment in Brazil, providing hundreds of thousands of jobs. Discovered that many Petrobras directors had been deliberately overpaying on contracts with various companies, which channelled a share of 1% of 5% of every deal into secret slush funds, funnelling them back into the pockets of the politicians, and their parties, who had appointed them. This allowed the governing coalition to fund very expensive election campaigns. Ultimately, the corruption took billions of dollars from taxpayers and shareholders, but the profits were not only funnelled back to politicians, but everyone involved

received kickbacks from the project. What Lava Jato did was uncover the scale of the corruption, uncovering illegal payments of more than 5 billion USD to company executives and political parties, placing billionaires in jail and seemingly breaking the culture of impunity which had long persisted in Brazil.

This was only successful due to the changes that had occurred in the judicial system, as well as the appointment of effective judges who were not easily corrupted. For one, the President Rousseff had tried to appease the angry public by fast-tracking laws aimed at rooting out systemic fraud, a large part of this (which was heavily used in the Lava Jato Operation) was the introduction of plea bargaining: allowing prosecutors to make deals with suspects, reducing sentence length in exchange for information that could help arrest more important figures. The appointment of a young ambitious judge was also highly beneficial, Sérgio Moro helped put pressure on suspects by approving lengthy “preventive detentions”, these kept them in prison and unable to escape through economic or political influence, with Moro also denying them bail, ensuring it is on the suspect to make a deal or remain in jail. These measures allowed for a parade of high level suspects (ranging from corporate executives to wealthy entrepreneurs, and later even some powerful politicians) to be placed in jail, often spending months in jail before admitting to their involvement in the corruption. As these were very rich and influential prisoners, they could not be held with the rest of the prison population, instead being housed in their own wing, which quickly became overcrowded, squeezing three to a one-man cell. Guard reported that these rich prisoners were very foreign to their conditions, one guard sharing how “One guy did not know how to shave because he had always had it done for him,” which helped to bring the suspects to share information in order to guarantee their release. With inmates being refused privileges (such as TV or exercise) when they would not cooperate with the investigation, some held out for months, while others spoke within days - in the end, nearly all suspects admitted to their involvement, and gave information about others who were involved in the scandal. Defence lawyers attacked these dubious and unethical tactics, claiming that the defendants would do anything to get out of the conditions they were held in; however, polls showed the public was delighted with the investigation, as there were nearly daily reports and operations which showed the scale of the scandal (\$2bn syphoned off Petrobras in bribes and secret payments; \$3.3 bn paid in bribes by the construction firm Odebrecht; more than 1,000 politicians being paid by meat-packing firm JBS; 16 companies being implicated; over 50 congressmen accused; four former presidents being investigated).

However, many Brazilians focused their fury on Lula, Rousseff and the Workers Party, who had been in control for the last 14 years, with newspapers trumpeting the message of the “dirty socialists in Brasilia” who were wholly responsible for the problem. This was largely false, with every major party being involved in multiple, interconnected trails of corruption which went back to much earlier governments. This was a development that possibly was supported by the US, to push blame on the left, and ultimately replace them with a more “US friendly” government, as ultimately this problem was uncovered by the Workers Party, and they were the ones trying to fix it, starting to prove wrong the expression in Brazil that “only the poor get arrested”.

When senator Amaral was arrested, which surprised many due to his position in government, the investigations took a large turn. Amaral immediately complied and singled out the former President Lula as the mastermind of the scheme, and accused the then President Rousseff of conspiring with Lula, trying to blame the Workers Party for most of the corruption. Both Lula and Rousseff denied the allegations, accusing Amaral of lying to try and save himself. In 2016, Brazil then entered a deep recession, which was caused by the collapse in global commodity prices but worsened by the Lava



Jato investigations which forced Petrobras to suspend business with many of its contractors, paralysing projects and causing workers to be laid off, with unemployment rates nearly doubling. The arrest of Amaral had shaken congressmen, as they had assumed they could rely on their positions to avoid prosecution, but as this was proven false the relations between parties became even more hostile. The combination of the public blaming the economic problems and political gridlock on the Workers Party (with Rousseff's approval ratings falling to the single digits); many powerful senators and deputies being furious that they were not protected by their position and that the corruption investigation continued, potentially impacting them; that Congress saw Rousseff as deeply unpopular due to her bad communication skills, secretiveness and stubbornness lead to a bid to oust Rousseff as head of state in November 2015. This was initiated by one of the most corrupt politicians in the country, Eduardo Cunha, as he tried to stop or divert Lava Jato from himself and his friends; following the Workers' Party's refusal to protect Cunha against charges he responded by granting the impeachment request - accusing her of false accounting (a common occurrence in Brazil, which Rousseff had taken advantage of more regularly than previous governments), though this is seen as a pretext for Cunha, and other targets of corruption, to strike back against the investigation. This belief is supported as many of those who voted to eject Rousseff from office had themselves either been charged or were under investigation by Lava Jato for far more serious crimes. In May of 2016, Michel Temer became interim president, despite being mentioned multiple times in the Lava Jato investigation and seeming to be one of the most involved members, managing to avoid a long list of accusations, once interim president he was defended by impunity of the office. The following impeachment in August was called a coup by Rousseff's supporters despite being approved by the supreme court and large majorities from both houses. Later, secret recordings of calls confirmed that Rousseff had been removed because she would not call off the Lava Jato investigation. This left Temer as the president, meaning that Lava Jato, which had been launched to clean up corruption, had led to the leader of Brazil's most notoriously self-serving party to obtain power, and the Presidency by one of the most corrupt officials.

Getting rid of the Workers Party from power was not enough to stop Lava Jato, with another problem standing in the way. This problem was the supreme court justice Teori Zavascki who had shown to be incorruptible. On the 19th January 2017, this problem found its solution through the crash of a plane carrying Zavascki, killing all on board. The timing was suspicious as he was in the process of reviewing multiple testimonies that were expected to further implicate politicians across Latin America. The consequences of this death spread far, as Zavascki had maintained the credibility of the investigation despite fierce political opposition, he had ruled on the biggest cases and Moro going so far as to say that "Without him [Zavascki], there would be no Operation Car Wash". Temer replaced Zavascki with a close ally, Alexandre de Moraes, who in course ascended from the cabinet to the highest court, a clear violation of the separation of powers. Following this appointment, much of the movement around Lava Jato stopped, slowing the investigation significantly.

In February 2021, then President Bolsonaro (who had run on anti-corruption) closed the task force behind Lava Jato, claiming it had served its purpose and ended the corruption it was investigating. However, analysts assume it was from a fear that Lava Jato could impact him or his family.

What Lava Jato uncovered was a web of corruption that spread far beyond Brazil and across Latin America, with many large companies and government being complicit (Oderbrecht having a department dedicated to bribes, the Division of Structured Operations, displaying nearly \$800m in illicit pay-offs across over 100 contracts in Latin America over the course of 15 years). This investigation raised hopes for justice to be served to the corrupt, rich and powerful: imprisoning many



previously untouchable senators, governors and congressmen (such as Cunha). It also showed how Brazil's political scene is highly vulnerable to corruption, with dozens of parties and elections across federal, state and city level spread throughout the (fifth-largest) country. This makes it extremely expensive to win elections and pay other parties into coalitions, making one of the greatest prizes of Brazilian politics the power to appoint senior executives at state-run companies, which can receive millions of dollars in kickbacks, syphoning them back into campaign funds.

Notebook Scandal (2018)

In January of 2018, an investigative journalist of La Nación received 8 notebooks handwritten by the driver of Roberto Barrata (the secretary of energy), these notebooks contained a detailed record of each one of the routes the driver made for 10 years (during the Kirchner administration from 2003 to 2015), taking Barrata and others to collect bribes in bags of cash from multiple large companies of Argentina that had been awarded public contracts.

Early on in the investigation the investigators decided to refrain from any publications until they could prove and verify all the facts, as well as concluding to build a dataset from the handwritten account. All 8 notebooks were quickly transcribed to an excel database, and all the objective elements were attempted to be verified by searching and comparing the information with official gazette datasets, company records, corporate information, government accounting details, tenders and public contracts. Once this was concluded, a formal complaint was filed before justice on April 10th of the same year, which involved a commitment to absolute silence between the Federal Prosecutor, Federal Court and La Nación.

Therefore, on the 1st August (after seven months), the case was published and the justice system brought 17 arrests and 36 search warrants, with reporters estimating that the payments total around \$56 m, while Judge Bonadio estimated that the corruption network could reach up to \$160m. In a rare occurrence for a country where the private sector is often deemed immune to corruption investigations, several business leaders were arrested and accused of part in the conspiracy. Following this, analysts even declared a turning point in corruption and white collar investigations in Argentina. The sweep of detentions caught most of the involved business off guard, who quickly declared themselves guilty and provided testimony in exchange for leniency, claiming that they were forced to pay bribes.

Mrs Kirchner (President during the time the notebooks were written), denounced accusations of corruption as distractions from the country's economic struggles. However, raids of her home (to confirm accuracy of notebook descriptions) revealed an armoured door in a wardrobe, disguising a dismantled bank vault, as well as a stolen gold car.

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

Argentina

Corruption, as in most of Latin America, remains a serious problem in Argentina, as it has suffered from deeply entrenched and widespread corruption, despite having a strong legal and institutional framework in place. The response to corruption is impacted by the weak legal system, which is unable to enforce the otherwise strong laws in place, as well as the perceived tolerance of the corruption and lack of transparency. Though in recent years, it seems that corruption is slowly reducing, being removed from the Financial Action Task Force's (an intergovernmental organisation against corruption) grey list.



Brazil

Brazil has issues with corruption on all levels, which are all intertwined, as Operation Lava Jato (mentioned in detail above) helped to lay clear to the international community. An example of the in built corruption is the Mensalao Scandal, where then President Lula (who ran an anti-corruption campaign as well as being a part of the party that later enacted the Lava Jato investigation) was found to be using taxpayer funds to pay monthly fees to congressmen from other parties in change for their support. Corruption also holds a high cost to the Brazilian economy with an estimated 30% of all public funds being embezzled, largely through overbilling, a kind of embezzlement.

Mexico

Mexico has a long history of corruption, most notably the rule of the PRI - which has been detailed above. Due to this heritage and its effects that have permeated through to this day, the political happenings are dominated by corruption: vote buying being common and seeing no consequence, nepotism occurring throughout government and a severe lack of transparency. There is also a deep history of clientelism from cartels which exchange bribes for reduced attention for criminal affairs

Venezuela

Corruption in Venezuela is very high, having significantly increased following the discovery of large amounts of oil. This corruption, combined with serious mismanagement of the country has led to severe economic difficulties for the country. The government has long been riddled with accusations of corruption, with evidence of widespread cronyism, embezzlement and political patronage in the previous Chavez government (whose successor Maduro has continued in those same footsteps).

United States of America

The United States have often intervened in Latin America to protect their interests, be that economic or political. On the one hand, the United States has often enforced anti-corruption initiatives such as the US Foreign Corrupt Practices Act, which is only increasing in activity in Latin America. However, the United States has also caused severe instability in the region, funding many military coups and dictatorships, which has led to an understandable mistrust from Latin American countries towards how much goodwill US intervention harbours.

Uruguay

Seen as the least corrupt country in Latin America, this is due to a multitude of reasons, including the centralised nature of such a small country (40% of the population living in the capital), where it is often easier to combat corruption in large urban centres. Other factors are the high income levels (though in GDP per capita these are similar to Argentina or Chile), and social inclusionary policies where pensions reach 87% of the population. Overall, the success in Uruguay can be a good indicator of how the rest of Latin America can attempt to tackle political corruption.

Transparency International

A non-governmental organisation which is a self-proclaimed “global movement working in over 100 countries to end the injustice of corruption”. Transparency International advocates for holding those powerful to account and stopping systems which can enable bribery, money laundering, illicit financial flows and the enablers of corruption to thrive. With missions across Latin America, Transparency International has also made the Corruption Perception Index, which attempts to numerically rank the perception of corruption in 180 countries, comparing them to one another.



MINOR COUNTRIES

Portugal

Portugal colonised Brazil as well as parts of Uruguay and Venezuela, the impact of this colonial rule was a major influence on the modern state of corruption across Latin America, as was laid out above.

Spain

Similarly to Portugal, Spain was a colonial power which settled the majority of Latin America, suppressing the natives they found and forcing them into slave labour. Corruption thrived in the colonies up until their independence, a major part of the legacy that Spain has left in their former colonies.

France

With an overseas territory in the form of French Guiana, which started as a Penal colony but has since become an integrated part of France, France has a presence in Latin America. As a result of the direct involvement, levels of corruption are seen to be much lower in French Guiana than in the rest of Latin America, which could provide valuable as a guide to tackle corruption in other parts of the region.

Guatemala

Corruption has long been rampant in Guatemala, with a lack of funding for public institutions due to embezzlement by officials, which has only increased in recent administrations. Despite this, newly elected President Arévalo has run on the promise to fight corruption, a high task with the deeply flawed institutions which have been undermined for many decades.

Haiti

Seemingly one of the most corrupt countries in Latin America (and the World), corruption is so rampant that it undermines all attempts to establish a rule of law, a sustainable democracy and improve the lives of the people; in line with this, Haiti has also had multiple incidents of military unrest. However, this is slowly improving, despite the “organised crime”-like corruption becoming deeply ingrained in society.

Bolivia

Corruption has become a major problem in Bolivia, with it being so widespread that it has become an accepted part of life. Widespread poverty has stifled any awareness of rights or laws against corruption which have allowed it to become ingrained across all levels of Bolivian society.

Chile

Compared to the rest of Latin America, Chile has less of a problem with corruption, but it is nevertheless still prominent in certain areas, notably the 2006-2007 Chilean corruption scandals which involved the governing coalition at the time embezzling funds in order to spend more on reelection campaigns.

Rest of Latin America

Though each country in Latin America has its own nuance and history with political corruption, I have chosen to avoid detailing each one, as this would be unnecessary for the many countries that



Latin America consists of. Instead I have decided to include the major and largest countries, as well as the extremes of corruption. My decision to do this should not be taken to count the omitted countries irrelevant to the topic, but should be an invitation to do research of your own.

TIMELINE OF KEY EVENTS

Event	Date
Assassination of Mexican Politician: The murder of Mexican presidential candidate Luis Donaldo Colosio in 1994 highlighted the violent interplay of politics and corruption during the PRI's rule	1988
Fujimori's Autogolpe in Peru: President Alberto Fujimori dissolved Congress and the judiciary, later implicated in widespread corruption and human rights abuses	1992
Montesinos Scandal in Peru: Vladimiro Montesinos, Fujimori's intelligence chief, was involved in massive corruption and bribery, leading to Fujimori's downfall	1996
Fall of Alberto Fujimori: Fujimori fled to Japan amid corruption charges, later extradited to Peru and convicted	2000
United Nations Convention Against Corruption (UNCAC): Many Latin American countries ratified the UNCAC, committing to anti-corruption measures	2003
Odebrecht Scandal Begins: Brazilian construction giant Odebrecht begins extensive bribery operations across Latin America, later uncovered in the Lava Jato investigation	2004
International Commission against Impunity in Guatemala (UN agency) is established, promising to reduce corruption in the country by supporting the judiciary and other public reforms	2006
Operation Lava Jato in Brazil: This investigation unveiled a massive corruption scheme involving Petrobras, politicians, and major corporations like Odebrecht	2014
La Línea Scandal in Guatemala: President Otto Pérez Molina and his vice president were implicated in a customs fraud network, leading to their resignations and arrests	2015
Panama Papers Leak: Exposed the use of offshore tax havens by politicians and businessmen, including several from Latin America	2016
Mission to Support the Fight against Corruption and Impunity in Honduras: this mission sought to work with local law enforcement and the judiciary system to root out political corruption	
Odebrecht Scandal Expands: Odebrecht executives admitted to paying bribes in multiple countries, leading to investigations and arrests across Latin	2017

America	
Establishment of Brazil's Anti-Corruption Task Forces: Continued efforts to investigate and prosecute corruption following Lava Jato	2018
Notebook Scandal in Argentina: Revealed detailed records of bribes paid to officials during the Kirchner administrations, resulting in numerous indictments	
International Commission against Impunity in El Salvador: this sought to tackle political corruption and white collar crimes throughout the country	2019
Anti-Corruption Protests in Latin America: Mass protests in countries like Chile, Ecuador, and Bolivia, partly driven by corruption concerns	
International Commission against Impunity in Guatemala: With US aid drying up and large businesses and politicians under suspicion, the CICIG was allowed to expire to protect those in power	
COVID-19 Pandemic Corruption: Reports of corruption related to emergency procurement and relief funds across Latin America	2020
End of Operation Lava Jato: President Jair Bolsonaro of Brazil shut down Operation Car Wash amid investigations into his own family	
Mission to Support the Fight against Corruption and Impunity in Honduras: After 4 years, the MACCIH was dissolved following a lack of agreement for an extension	
Peru's Ongoing Political Corruption: Scandals involving Presidents Pedro Pablo Kuczynski, Martín Vizcarra, and interim President Manuel Merino highlight persistent corruption issues.	2021
International Commission against Impunity in El Salvador: In protest against the appointment of the new anti-corruption advisor and amid investigations into the ruling party, the commission was dissolved	
Corruption in Venezuela: Continues under Nicolás Maduro, with allegations of embezzlement and mismanagement amid economic collapse	2022
Brazil's Ongoing Corruption Trials: Former President Michel Temer and others face ongoing legal battles stemming from the Lava Jato investigation	2023

PAST ATTEMPTS TO SOLVE THE ISSUE

United Nations Convention against Corruption

Adopted on the 31st October 2003 by the General Assembly of the United Nations at their headquarters in New York (after being drafted and negotiated throughout 2002 and 2003 in Austria), and taking force 2 years later on the 14th December 2005. A nine chapter long treaty, which seeks to unite nations around a shared vision. The adoption of this treaty was a historic milestone in the fight



against corruption, due to its near universal adherence (with 140 signatories from 191 parties), as well as being the only legally binding universal anti-corruption instrument. Furthermore, the treaty seeks to emphasise the cross-border nature of corruption, aiming to address this with an increase in international cooperation. Ultimately, this treaty aims to reduce various types of corruption and strengthen international law enforcement and judicial cooperation between countries.

The Conventions covered a range of issues with corruption, which were split into 8 chapters. The first chapter was largely generic and covered general provisions for the rest of the treaty, including definitions for critical terms but avoiding to define corruption itself.

Chapter 2 was dedicated to preventive measures, where the importance of preventing corruption in both public and private sectors was outlined, this sought to establish anti-corruption bodies and enhance the transparency across electoral campaign finance and general political bodies. These new bodies should implement policies to tackle corruption, with a requirement for adequate resources, proper training and a distribution of information.

Following on, Chapter 3 highlighted the criminalisation and law enforcement, with calls for involved parties to create or maintain laws against specific criminal offences, with a view to tackle newer forms of corruption. This chapter also looked to simplify existing laws to reverse the theme of corrupt acts being difficult to prove in court (in a similar vein, this chapter also introduced provisions for the protection of witnesses, victims, expert witnesses and whistleblowers).

The next chapter (4), was then centred on international cooperation, with state parties being obliged to assist one another in every aspect of the fight against corruption, spanning across all the previous chapters. This cooperation can take a variety of forms, from extradition to mutual legal assistance or law enforcement cooperation (with the UNCAC itself being made a basis for extradition). This was deemed necessary as corruption often spans multiple countries, with the addition of recommendations for cooperation in civil and administrative matters also seeking to tackle this.

Chapter 5 was then dedicated to asset recovery, which was a major issue prior and its inclusion is suspected to be a major reason for the high number of developing countries which signed the UNCAC. Many countries have suffered at the hands of corruption plundering their national wealth, by introducing this as a “fundamental principle” of the convention it laid the framework for tracing, freezing, forfeiting and returning these syphoned funds. By providing evidence for ownership, the requesting state can in most cases receive the recovered funds - alternatively, they may be directly returned to the individual victims, with the convention itself serving as a legal basis.

As many developing countries may struggle with the technical capabilities to track and prosecute corruption, chapter 6 aims to ensure the technical assistance and information exchange necessary to support these developing and transition countries in their fight against corruption. By covering training, material and human resources, research and information sharing, this chapter aids in the cooperation of regional and international organisations research efforts, and allows for contribution of financial resources directly to those countries that require it.

The last two chapters deal with the mechanisms for implementation (through the CoSP and UN secretariat to ensure international implementation) and final provisions, which sought to ensure that UNCAC requirements were interpreted as minimum standards. These final provisions made it clear that exceeding measures with “stricter or more severe” provisions were welcomed.

After this treaty was put into effect in 2005, there has been extensive implementation and monitoring. Establishing the CoSP (Conference of the States Parties), which held multiple sessions within which decisions were made on effective implementation. The CoSP introduced a multi-stage peer review system which aimed to review every State Party by two peers (one from the same UN region and one from another). This would be done in cycles, with every cycle being focused on specific chapters (the first starting 2010, covering chapters 3 and 4). In its current form, the review



process consists of 3 stages: a self assessment where the UNODC informs the State Party it is under review and the state itself identifies a focal point to coordinate the country's participation in the review and then fills out a standardised self-assessment checklist. The second stage then involves two reviewer state parties (decided by lots) providing experts to form a review team which conducts a desk review of the previously completed self-assessment checklist. If further information is required the team may request this through direct dialogue with conference calls, or a country visit if agreed to. The final stage is then a country review report and executive summary which the expert team creates with assistance from the UNODC. This report is first sent to the focal point for approval (with disagreements being discussed until a consensual final report can be made), once a full report is finished in agreement with all parties involved it is published in full. An expert review team then produce an executive summary of this report which is automatically published on the UNODC website.

The UNCAC coalition, created in 2006, is a global network of over 350 civil society organisations in over 100 countries, which is committed to promoting the ratification, implementation and monitoring of the UNCAC. This coalition engages in joint action around the UNCAC to facilitate the exchange of information among members and supports civil society efforts to promote the UNCAC, as well as civil society to engage in and contribute to the UNCAC review process (mentioned previously), through technical support. Overall, the UNCAC coalition aims to mobilise civil society in the fight against corruption by involving them in the UNCAC process, admitting any groups which share these values.

International Commission against Impunity in Guatemala

Established in 2006, the International Commission against Impunity in Guatemala (CICIG) was created following a request by Guatemala to the UN to help fight against the illegal armed criminal networks that were threatening democratic institutions through methods such as corruption, intimidation and criminal violence.

The CICIG was able to enforce the rule of law by giving the justice system increased independence, supporting investigations into corruption and aiding in prosecuting those under suspicion. Additionally, the CICIG brought public reforms to strengthen the transparency and anti-corruption laws to ensure corruption was quickly spotted and rooted out. These changes saw huge profits over the 12 years that the CICIG worked in Guatemala, with 60 criminal networks dismantled.

However, the CICIG came to an end in January 2019 when the President Jimmy Morales gave the UN body "24 hours to leave the country"; this caused outrage in much of the G13 (the CICIG donors' group), who released a statement regretting the decision. However, the USA was notably absent from this letter, due to a range of reasons: intense lobbying by Guatemalan politicians and business figures (worried about the many probes into collusion between companies and political leaders); the Guatemalan president aligning himself closely with US attempts to dislodge the Venezuelan president Maduro; as well as other details not relevant to this topic. In a surprise change, this decision was reversed, instead letting the commission expire in September of the same year.

This closure set an alarming precedent, with the commission having more work left to do and enjoying the support of the Guatemalan people (polling at 70% favorability). However, with US support drying up (the Trump administration sending a message of new priorities, moving away from fighting corruption and protecting the enforcement of the law, in favour of supporting US interests elsewhere. This also could have affected the future of the Mission to Support the Fight against Corruption and Impunity in Honduras, which is mentioned below.

Mission to Support the Fight against Corruption and Impunity in Honduras

Created on January 19th 2016, the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH) was made to help root out the rampant political corruption taking place. This mission created an international team which would work with local judges, police and prosecutors to investigate and prosecute these complex cases. Though its main effort was in enforcing



the judicial systems and rule of law, the MACCIH also supported reform in preventing and fighting corruption, reforming the criminal justice system, political and electoral reform and improved public security.

However, the Honduran government dissolved the MACCIH in 2020 after 4 years, with negotiators being unable to secure an agreement for renewal. After the election of President Xiomara Castro, who campaigned on anti-corruption, it seems that a similar anti-corruption commission may soon return to Honduras, to finish the work that was begun by the previous iteration.

International Commission against Impunity in El Salvador

The International Commission Against Impunity in El Salvador was established in September 2019, as a joint effort with the Organisation of American States which aimed to combat corruption, drug trafficking and white collar crimes. This was dissolved after only 2 years following the appointment of Muyschondt as an anti-corruption advisor as a protest, however, other sources dispute this, instead blaming it on the commission's investigation into the ruling administration.

POSSIBLE SOLUTIONS

Though a complete, permanent solution to the issue of political corruption in Latin America is unlikely to come quickly, there are many ideas and possibilities to get closer to this final goal. The below is not an exhaustive list, and there are sure to be many effective ways which are not included.

International Cooperation and Partnerships

As corruption in Latin America often spans multiple countries, it is very important that the entire region unites in investigating and prosecuting cases, with a unified approach vital to addressing this crime. By sharing information, evidence and other legal assistance, the speed and effectiveness of prosecution can vastly increase to properly bring corrupt officials to justice.

Denying Safe Haven

Corrupt people often flee across borders to escape justice, making it very important to bring all countries together, even stretching outside of Latin America, to ensure that there are no jurisdictions where corruption goes unpunished.

Enhancing Transparency

Increasing transparency is a major step towards stopping corruption across Latin America, as it is generally seen that by lowering the information barrier, allowing for scrutiny and monitoring the likelihood of being caught increases. This can also serve to increase trust in governments, which can be a major step in deterring, preventing and detecting corruption effectively.

Judicial Strengthening and Cooperation

Strengthening the judiciary has been shown, in places such as Brazil, to be a very effective step towards tackling political corruption. With an independent judiciary, political officials within power are unable to influence or protect their friends, allowing for fair trials as well as the prosecution of powerful (yet corrupt) politicians, a very important step in the fight against corruption.

Political Finance Reforms

By increasing the transparency of political finance, this makes funnelling kickbacks into political campaigns much more difficult, as well as ensuring that money cannot be syphoned from



government contracts. If these reforms are instated equally and with proper care, they can go a long way to tackling corruption throughout the region.

Civil Society and Media

By strengthening civil society and the media, the public pushback against corrupt officials can be a major fact in the fight against corruption. This is especially important when governments are not necessarily supportive of the fight against political corruption, where the media and civil society can be vital in the push and keeping their country on the right track.

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