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## Combating corruption in Colombia: Perceptions and achievements

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**Combating Corruption in Colombia:  
Perceptions and Achievements**

**Johann Graf Lambsdorff  
Hady Fink**

Diskussionsbeitrag Nr. V-44-06

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Für den Inhalt der Passauer Diskussionspapiere ist der jeweilige Autor verantwortlich.  
Es wird gebeten, sich mit Anregungen und Kritik direkt an den Autor zu wenden.

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## I. Introduction

This paper evaluates the results of an empirical study conducted by the author between May and August 2005 in Bogotá, Colombia. It represents an attempt to analyze the Colombian problem of corruption and its evolution. Specific interest in the Colombian case was caused by the country's remarkable performance in the Corruption Perceptions Index (CPI) published annually by Transparency International (see Table 1).

Colombia in the Corruption Perceptions Index		
Year	Score*	Rank
1997	2.23	50
1998	2,2	79
1999	2,9	72
2000	3,2	60
2001	3,8	50
2002	3,6	57
2003	3,7	59
2004	3,8	60

**Table 1.**

**Source:** [www.icgg.org/corruption.cpi\\_2004\\_data.html](http://www.icgg.org/corruption.cpi_2004_data.html)

\*ranges between 10 (highly clean) and 0 (highly corrupt)

A rather clear trend of constant and significant improvement can be deduced from the scores Colombia has received in this index between 1997 and 2004.<sup>1</sup> This project is conceived as an effort to provide a general overview of the country specific peculiarities of the Colombian corruption problem, as well as an evaluation of the validity of the trend indicated by the CPI and its explanation. To accomplish these goals, three areas of interest have been defined that can be specified in the following questions:

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<sup>1</sup> Even though Colombia's rank for each year is also listed, it allows for fewer conclusions and is therefore not considered with further detail. For more information concerning the CPI, see [www.icgg.org/corruption.cpi\\_2004.html](http://www.icgg.org/corruption.cpi_2004.html).

**Question I – key factors**

What social, economic, and political structures characterize and cause the Colombian problem of corruption?

**Question II – key sectors**

How does the problem of corruption manifest in different sectors of the Colombian society and what sectors are more/less affected? What sector specific problems are there and how have they evolved over the past decade?

**Question III – evolution**

Has the problem in its entirety indeed diminished between 1997 and 2004 as indicated by the CPI? Why or why not?

As a means to answer these questions, expert interviews were the methodology chosen. In the course of the project, a total of 33 personal interviews with selected experts were conducted (see Attachment A for details). The findings presented in this paper consist primarily of the results obtained in these interviews supplemented by information from literature research.

The focus of attention is on institutional, political, and social settings and the evolution in the level of corruption between 1997 and 2004. It should be noted that any improvement in the perceived level of corruption measured by the CPI has to be preceded by changes of the Colombian situation. Thus, occurrences before 1997 can be expected to have had an impact on the level of corruption in the time period of interest and are therefore also taken into consideration. In contrast, the same is not true for recent events and reforms which are therefore of lesser importance.

The empirical study was conducted in cooperation with Transparencia por Colombia, the Colombian country chapter of Transparency International. Help in finding qualified interview subjects, general advice, and office space in its Bogotá headquarters were provided throughout the duration of the project. This help is greatly appreciated, as without it the project would not have been possible in its present form.

The rest of the paper is organized as follows. Chapter II describes the proceedings of the empirical study and evaluates its results critically. Chapter III summarizes the obtained results, presenting identified key factors (Question I) and key sectors

and their characteristics (Question II). Chapter IV concludes, resuming the peculiarities of the Colombian case and evaluating its evolution (Question III).

## II. Empirical Study

### 1. Methodology

#### 1.1. Concept

The idea of this project is to create a general overview of the problem and its evolution, trying to answer the abovementioned three questions through evaluation of collected expert opinion. Since expertise is by definition very specific, the information obtained in an interview is often rather focused. For the intended task it seems therefore appropriate to collect information from a broad basis of interview subjects in order to get different perspectives of the issue, which permit general conclusions and well-founded judgments on the evolution of the problem as a whole.

A minimum duration of 45 minutes per interview was asked for when the appointment was solicited. On average, the interviews lasted between 45 and 60 minutes. They were conducted by the author at the interview subject's office (with few exceptions) and recorded for later evaluation. The interviews were held in Spanish and all quotations herein are translations by the author. See Attachment A for detailed information on the interviewing process.

The content of the interviews was structured according to the three subject areas of interest. First, the interview subject was asked to identify the core of the problem of corruption in Colombia. Then he<sup>2</sup> was supposed to talk about his area of expertise and its evolution between 1997 and 2004. Finally he could give his opinion on whether the situation (in his area as well as in general) improved, stayed the same, or worsened. At this point he was also confronted with CPI scores for Colombia (Table 1) and asked to comment.

The interview itself was conducted as a guided conversation, where the interviewer directed only the course of the topics that were talked about and the expert could give his opinion without any other restrictions. As the exact wording neither of the question nor of the answer was predetermined, this corresponds to a technique referred to as *non-standardized interview* (Gläser/Laudel 2004: 39).

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<sup>2</sup> When talking about interview subjects in general, for simplicity reasons they are referred to by using male personal pronouns, because in their majority they are men. The same practice is kept for other actors that will be mentioned later.



## 1.2. Selection of Interview Subjects

The general organization of the empirical study was arranged according to the Pillars of Integrity proposed in the National Integrity System by Transparency International (Pope 2000: 31-40). For the set goal of a general analysis of the problem covering all relevant aspects of the Colombian society, this instrument seems to be a proper choice as guiding principle. Therefore, the following sectors (Integrity Pillars) have been chosen to categorize experts:

1. Executive Branch
2. Legislative Branch
3. Judicial Branch
4. Watchdog Agencies
5. Civil Service
6. Private Sector
7. Civil Society
8. Mass Media
9. International Agencies

Efforts were made to interview at least two experts per sector to get a more reliable picture of its peculiarities. In several cases it is not reasonable or simply not possible to attribute the interview subject to one single category. However, this does not represent a problem, because the intention of this paper is not an evaluation of Integrity Pillars, but rather an attempt to grasp the different aspects of corruption in Colombia. The classification of the experts according to categories is above all a method of organization to ensure that all relevant sectors are taken into consideration.

The actual selection of a first group of interview subjects corresponding to all categories was made with the help of Marcela Rozo, Coordinator of Public Sector Projects of Transparencia por Colombia. Experts were chosen due to recommendations by Marcela Rozo (13 cases), the position they held (eleven cases), or books or articles they published (three cases). Recommendations on further interview subjects made by this first group led to a second round of six more interviews, resulting in a total of 33 expert interviews.

### 1.3. Obtained Information

Generally speaking, expert interviews are conversations characterized by an asymmetric distribution of roles: the interviewer directs the conversation, whereas the expert has a more passive role, reacting to the questions directed to him (Bimazubute 2005: 50). The initial idea was to conduct *structured expert interviews* with a framework of prepared questions revolving around the three issues of this paper. Each interview was supposed to follow the same structure of predetermined questions. Since the content of the questions was held quite general, this procedure still left a good deal of initiative to the expert as far as defining the answers was concerned. The advantage of this approach is that the resulting information is fairly homogeneous and allows comparisons and general conclusions such as: “7 out of 33 experts think that [...]”.

After a few interviews this procedure was abandoned, because it proved to be more hindering than beneficial. Instead, the interviews were conducted as *unstructured expert interviews*, where the only exploration guideline was the intention to obtain answers to the questions this paper is dealing with. This alternative leaves even more initiative to the expert, restricting him only to the general topics. Clearly, it makes comparisons and general conclusions of the abovementioned type impossible. Another disadvantage is that the expert might deviate from the topic and give information of little or no use to the interviewer. On the other hand, the main advantage of this procedure is that it is a more efficient method of getting an overview of a certain issue (Bimazubute 2005: 50). It also avoided the main problem experienced throughout the first interviews. Since the interview subjects work in different sectors and have rather different backgrounds, their perspective of corruption varies greatly. Therefore, asking a predetermined set of questions turned out to interfere with the natural flow of the interview and to inhibit the experts from presenting their ideas. As the intention of the project was precisely to let them identify and evaluate the key factors of the problem, unstructured interviews turned out to produce more appropriate results.<sup>3</sup>

The approach of collecting information through interviews, especially in form of unstructured interviews, caused the quantity and quality obtained in each case to

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<sup>3</sup> For an alternative (but very similar) way of classifying non-standardized interviews, cf. Gläser/Laudel 2004: 36-41. According to this classification, the first interviews conducted were *open interviews* (with a set exploration guide line), whereas the rest of the interviews were held as *narrative interviews* (more complex questions followed by elaborate answers).

vary greatly. In chapter II.2.2, factors determining the quality of the received information will be presented. In general terms it can be said at this point that in most cases the obtained information consists at least of a more or less elaborate answer of the three questions.

Obviously, the resulting key factors of the Colombian case can hardly be classified according to Integrity Pillars. Consequently, the findings presented beneath (chapter III.1) are not categorized in this way, whereas for the assessment and the evolution of the key sectors, this structure seems appropriate (chapter III.2).

## **2. Evaluation**

### **2.1. Experts on Corruption?**

The data base at hand is a sample of personal opinions. For the quality of conclusions to be drawn, the selection of experts is therefore absolutely crucial. Experts are considered people who deal with the problem of corruption in a professional way in their jobs or in the volunteer work they do. There are differences in how they are confronted with issues concerning corruption. It can be part of their work environment, they can be involved in the fight against corruption, or they can be academics doing research on the topic.

Theoretically speaking, an expert is somebody, “who knows everything about something and nothing about everything else” (Bimazubute 2005: 47).<sup>4</sup> In times of extensive specialization it is hardly possible for one single person to be an expert in all details of a broad subject like corruption. Instead, he has to have profound knowledge of a certain area in which he is considered an expert, in our case of his sector (or Integrity Pillar) of Colombian society and its specific problems with corruption.

In retrospect, considering the quality of information obtained in different interviews, one can conclude that it is extremely difficult to find objective measures or indicators to identify experts on the topic of corruption. In several cases interviews with people with professional qualifications indicating that they should be experts in their area turned out to be of poor quality when judged by indicators described in the next chapter. The only objective measure in the selection of experts is their

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<sup>4</sup> All quotations from German or Spanish literature are translations by the author. For legibility reasons they are not marked as such in each case.

experience (Bimazubute 2005: 48). Many years of experience can be seen as a necessary, yet – as several interviews proved – in no way a sufficient condition for becoming an expert. This is especially true in our case, since one of the issues of interest was information on the evolution of the problem between 1997 and 2004, which implies that the expert needs to have worked in his sector at least during that period and preferably before. The problem with this qualification is that often it was difficult to confirm the subject's experience level in the particular sector before the interview. In the experience of the project, recommendations by experts rather than objective measures have proven to be by far the best method of identifying other experts.

To evaluate the qualification of the interviewed persons as experts, as well as the aptitude of the group as a valid source of information, the first matter to be examined is the selection process. As described above, the main part of the selection of experts was through recommendations by Marcela Rozo as well as by interview subjects in the course of the project. The risk of bias in the selection process does not appear to be an issue, even though the majority of contacts (25 cases) were established through a single source, *Transparencia por Colombia*. First, recommendations made later by interview subjects coincided greatly with the selected group. Second, several of the contacted interview subjects turned out to be severely critical of the work *Transparencia por Colombia* does. A considerable problem proved to be the necessary experience level. In the letter soliciting the interview, the purpose of the project and consequently the required years of experience were made clear. However, in six cases the contacted person delegated the task of the interview to somebody else. In four cases, this person did not have the necessary years of experience.

As mentioned, the group of considered experts is quite heterogeneous in terms of professional background and experience with corruption due to the organization of the interviewing process according to Integrity Pillars. This certainly complicates the evaluation of results. Nonetheless it is not seen as a problem of the quality of the sample as a whole, because it is a logic consequence of the goals of the project and the methodology chosen.

Even though in four cases one interview subject discredited another, in general terms there was considerable agreement among experts on who is considered an expert. There seems to be a group of acknowledged experts dealing with the topic

of corruption in Colombia and a good part of them have been considered in this project. In sum, it can thus be said that the consulted group of experts can be regarded as a valid source of information considering the goals of this project, albeit with minor flaws.

## **2.2. Useful Information?**

An objective approach to assessing the quality of information would have to measure how understandable, correct, essential, and complete it is (Bimazubute 2005: 105). In our case, it is neither possible nor useful to somehow quantify these quality measures. Instead, it seems more appropriate to discuss some indicators that had an impact on the quality and on the quantity of the information obtained in an interview.

### **Interest and Responsiveness**

A first rather important factor was the interview subject's interest in the project and his willingness to adapt to its requirements. Since he was only given very general topics to talk about, it was up to him to choose what information to give and how specific to be. He was specifically asked to point out the factors he considered important for the topic of the project and its goals. In seven interviews this turned out to be a problem. In those cases, experts failed to adapt their answers to the goals of the interviewer. This was a problem for two reasons. First, some experts focused on topics of little relevance to the interviewer. The information received was therefore oftentimes not essential and not useful. Second, others talked about issues that were not part of their area of expertise. In this case, their opinion was of little use to the interviewer. As the chosen methodology was specifically intended to restrict the experts as little as possible in their answers, the usefulness of the obtained information greatly depended on this factor.

### **Commitment**

Another issue was the interview subject's willingness to commit to clear cut statements. This proved to be a severe problem when it came to judging the evolution of the situation. Commitments in all degrees of certainty were observed. While some experts said that they believed that the situation had changed in a certain way, others were totally convinced of their analysis, and three experts totally re-

fused to commit to a final judgment. Differences in willingness to commit to an answer seem to be rather a quality of character than an indicator for the quality of the expertise given. Therefore a more straightforward answer is not necessarily more likely to be correct or of greater use than a statement made under more uncertainty. This is especially true for a complex topic like corruption, where a simple, clear cut answer often is more likely to be a simplification of the problem than a good and reliable judgment. Comparisons of answers – difficult as they are to begin with – are significantly complicated by this factor.

### **Validity**

The difficulties of deciding who is considered an expert have already been discussed. In general terms it is hardly possible to directly verify the quality and the truthfulness of the obtained information.<sup>5</sup> However, the information an expert gives in an interview can be cross-checked with existing literature and with the rest of the interviews.<sup>6</sup> As far as coincidence with existing literature is concerned, great consistency was observed between the interviews and the status quo found in recent publications. Certainly this can partly be attributed to the obvious fact that books and articles are written by experts. Within the sample, four more or less clear contradictions in statements concerning technical issues (key factors and sectors) have been observed. Consequently, the findings can be regarded as rather solid as far as Questions I and II are concerned. However, great disagreement was observed in questions concerning the improvement of the problem, which makes general conclusions on this issue quite problematic and severely complicates an answer to Question III.

### **Neutrality**

One feature that supposedly characterizes an expert and makes his information more useful than general surveys is his assumed neutrality. This assumption proved to be quite problematic. Two reasons for lack of neutrality were noticed. First, political attitude turned out to be an important factor. In most cases it was caused by support for or opposition against the present government under President Alvaro Uribe. Second, loyalty problems due to the position the expert was holding

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<sup>5</sup> This problem is inherent to the methodology of expert interviews, because by definition they are characterized by an asymmetry of knowledge between the expert and the interviewer.

<sup>6</sup> Theoretically speaking, another possibility would be an expert contradicting himself during the interview – there was no case of this kind in the sample.

also affected his point of view. While the former problem seemed to influence the interview subject's judgment on the evolution of the problem, the latter in some cases induced partiality. Hence, the expert would see a severe problem of corruption in general, but his area of work was supposedly clean. In at least nine cases lack of neutrality due to the mentioned reasons were observed and were felt to be quite an obstacle.

### **Availability**

Apart from their qualification the selected experts' availability for an interview is obviously a decisive factor concerning the quantity of obtained information (Gläser/Laudel 2004: 113). In the experience of this project the response to requests and the willingness to grant interviews was extremely positive. In only four cases neither the requested person nor a substitute was available for an interview between May and August 2005. All experts spent at least 45 minutes on the interview (as requested in the letter soliciting the interview) and in most cases more time if necessary. Furthermore, with only five exceptions all experts offered extra material, the possibility to ask follow-up questions at a later point in time, or help in finding more interview subjects.

## **2.3. Expert Interviews as a source of information to assess the problem of corruption in Colombia?**

In addition to the qualification of the interviewed experts and the usefulness of the collected information, an evaluation of the methodology should focus on an assessment of its suitability considering the purpose of the project. In other words: do expert interviews conducted in the described manner permit justified answers to the three questions posed in this paper?

The conclusion of the first section of this chapter was that, apart from the mentioned difficulties, the identification of a group of qualified experts was a feasible task. The difficult part was the collection of valid and essential information.

While the potential lack of qualification of an expert (e.g. missing years of experience) can usually be detected, his political or professional bias poses a more severe problem that is difficult to discover through cross checking given the heterogeneity of the expert group and of the collected information. Likewise, the validity of

information obtained is difficult to verify, as has been mentioned. The indicated factors determinative of the quality of the information obtained had different effects on the issues of concern.

Technical information about key factors of the Colombian corruption problem (Question I) as well as relevant structures and key sectors and their evolution (Question II) could be collected quite efficiently. As mentioned before, unstructured expert interviews are, in theory, an excellent tool to get an overview of a certain topic. In general terms, this can be confirmed in the experience of this project as far as Questions I and II are concerned. Question I was posed generally, whereas expertise is rather detailed and focused, especially with people considered experts on only a fragment of the topic. As this complicated the desired result of an exhaustive overview, Question II proved to be more appropriate for the methodology chosen.

Question III turned out to be the most complicated, because the indicated problems of lack of neutrality and validity of information as well as differences in levels of commitment proved to be severe obstacles when it came to experts' judgment concerning the evolution of the situation. Part of this is a general problem, because questions concerning experts' opinion are commonly more difficult to be evaluated than questions concerning their experience (Gläser/Laudel 2004: 119). Additionally, there is no common agreement on the definition of corruption, which makes it even more difficult to come to valid conclusions on how it has evolved.

While an answer to Question I was complicated by the heterogeneity of the expert group, in the case of Question III severe problems of obtaining and evaluating valid and solid information were experienced.

Summing up, it can thus be said that the chosen methodology was best suitable to answer Question II, conditionally suitable to answer Question I, and less apt to answer Question III. The results will be presented in detail in the following chapters.



### **III. Results**

This chapter sets forth the findings of the empirical study and presents the answers found to Questions I and II. The key factors of the Colombian corruption problem (Question I) will be discussed in the first section. There exists a good amount of literature on the topic that will be referenced. As the findings are in their majority well analyzed, they do not represent striking news. Of greater interest should be the answers to Question II (key sectors) that will be presented in section 2, because extensive research on the evolution of specific sectors has not been done yet in Colombia.

Due to the chosen approach of a qualitative (rather than quantitative) analysis only the structures of the problems will be illustrated and exemplified with anecdotic evidence. Comparisons (as for example: “8 out of 33 questioned experts think that [...]”) or other aggregation of data (e.g. econometric analyses or graphic illustrations in the form of bar charts) commonly applied in empirical research projects would not be adequate considering the indicated difficulties of comparing the obtained information.

#### **1. Key Factors: Social structures promoting Corruption**

##### **1.1. Grand Corruption**

The core of the problem the Colombian society faces can be summarized in one word: *politiquería* – bad politics. Its causes and consequences go far beyond mere corruption problems and the question whether corruption itself is more a cause or a consequence of other factors characterizing this phenomenon is “like the question of what came first, the hen or the egg”<sup>7</sup>. During the first half dozen interviews, the experts were asked to comment on the relative priority they think corruption has compared to other issues and to describe its relation with social problems like poverty or the drug trade. Rather soon this proved to be of little use, because there was no agreement of any kind between the statements made. Opinions varied substantially on topics like whether corruption proliferated because of the drug trade or only rampant corruption made possible the dimensions of the Colombian drug cartels. Great agreement was found, on the other hand, on the troublesome

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<sup>7</sup> Interview partner wishes not to be quoted.

parts of the general structures of the Colombian political system. Even though they are hard to separate as they are mutually intertwined and connected or frankly different aspects of the same problem, they will be discussed consecutively.

### **Illegitimate actors**

One of the most significant factors that characterizes the Colombian society is the major impact of illegitimate actors. There are three groups: *Guerrillas* (guerrillas), *Paramilitares* (paramilitary groups), and *Narcotraficantes* (drug traders). They cannot be discussed in detail at this point, but it can be affirmed that their influence is substantial and well-known. In addition to controlling extremely large amounts of drug money, they induce violence as means of regulating the illegal sector that encroaches on the legal sector (Misas 2005: 120-122). Their activity is connected to corruption at all levels. In certain areas of the country, their influence is so strong that the state does not have the monopoly on the use of force and they control most entities of public administration. Their activities have reached levels of organization and intensity causing experts to consider them as organized crime in form of mafia structures (Cepeda [21], Grabendorff [36]).<sup>8</sup> Generally speaking, paramilitary and guerrilla groups dominate different areas of the country and thus avoid conflict with each other (even though fighting guerrillas was the specific task that paramilitary groups came into existence for). Nowadays, both groups have resorted to kidnappings and drug business for funding. The size of the problem is well illustrated by the system of cocaine production (interview with a cocaine farmer – anonymous [33]): a drug dealer pays the local paramilitary unit to be able to (illegally) provide the cocaine farmer with the necessary chemicals to produce *pasta base* (basis of cocaine). The paramilitary group makes sure that the drug dealer can deliver his chemicals and the farmer can grow cocaine plants without getting in trouble with authorities. Then the cocaine farmer has to sell all his cocaine to his drug lord (if he does otherwise he gets killed). The disturbing part is the fact that all of this is publicly known and that the enforcement of the law is permanently interrupted in large areas of the country. As far as kidnappings are concerned, the situation has improved over the last years, not the least because the current President Alvaro Uribe is making great efforts to contain the problem. Nonetheless, there are large areas in Colombia, so called *zonas de conflicto* (con-

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<sup>8</sup> Note: Interviews will be quoted with the name of the expert and the interview number [within brackets] for easier reference (see Attachment A for a list of all interviews).

flict zones) or *zonas rojas* (red zones), that are characterized by lawlessness and the absence of state authority. In such an area, one can buy an almost new stolen pick up truck for a fraction of its value. However, when leaving the conflict zone, the police will confiscate it if detected (Huertas [32]). While the intensity of the activity of these illegitimate actors varies greatly between different areas of the country, their influence is also quite noticeable on the national level, even if not as intensive and apparent.

### **Clientelismo**

As in most other South American countries, cronyism and nepotism are part of the main problems of public life (Pritzl 1997: 66-7). *Politiquería* is characterized by personal relations that supercede public duties. This phenomenon can be observed at all levels. From the local level up to the National Congress and diplomatic posts appointed by the President, positions are given out due to personal relations rather than through academic careers and competition.

### **Party Politics**

Another serious flaw in the political system – and for some observers the main problem (Arteaga [28], Azuero [3]) – is the practical non-existence of political parties as independent actors (Merchán [4]). The election of a candidate is hardly affected by his party affiliation. Therefore, campaigns at all levels, presidential as well as city council campaigns, are run centering around the candidate much more than on party politics. In this sense, the Colombian system is, to some observers, “the most personalized system in the world” (Merchán [4]), where parties play a minor or no role at all. Thus, due to this lack of correctly functioning parties, the Colombian case is characterized by a very high degree of *particularismo* (personalization) (Misas 2005: 91) and consequently by the “absence of political institutional opposition” (Cepeda 2000: 183).

### **Private Interests**

The illegitimate influence of private interests on political decisions is another major problem in the Colombian political system. Three issues should be mentioned that characterize this phenomenon.

First, lobbying represents a severe problem. Generally speaking, this area, where private interests interact with public decision making, presents great risks for cor-

ruption. This does not imply that in Colombia all forms of lobbying contain corruption. There certainly are forms of legitimate lobbying by private companies that provide information and technical knowledge to help legislators or to defend their own rights in legitimate ways (Correa [17]). However, there is compelling evidence that private interests heavily interfere with public decision making in illegitimate and illegal ways.

“One only needs to take a look at the tax laws and see all the loopholes and exemptions to know for sure that private interests have been achieved” (Azuero [3]).

Second, campaign financing is a commonly acknowledged problem. Generally speaking, campaign donations create some sort of liability of the politician towards the donor. In Colombia, as in other countries, this can become a severe problem when the candidate pays back the favor after being elected into office. The problem consists, on the one hand, in the absence of regulation on fundamental aspects. For instance, it is not sufficiently specified who is allowed to make donations and who is not due to the risk of a possible conflict of interest (e.g. public contractors). Furthermore, it is not defined precisely enough whether the candidate or his campaign manager are accountable for received donations. On the other hand, existing regulation is not enforced, like the rules on maximum donations for example (Merchán [4]).

Third, a phenomenon known as *puerta giratoria* (revolving door) aggravates private interest peddling in the public sector (Cepeda 2000: 21). This refers to the rather common practice that people switch from jobs in the private sector to positions in the public sector and vice versa and then use old connections to accomplish their goals.

### **Separation of Powers**

Insufficient separation of powers can be observed in several occasions. Specific areas of concern are the relation between Executive and Legislative Branch, as well as a lack of independence of the Judicial Branch. This topic will be discussed with more detail in chapter III.2.

### **Impunity**

To prevent corruption, punishment in case of detection has to be a credible threat. Generally speaking, this is not the case in Colombia. Many cases of detected corruption (and crime in general) go unpunished. This phenomenon, referred to as

*impunidad* (impunity), is very hard to quantify. Various sources have attempted to estimate levels of impunity, but the results vary extremely, between 99.5% (Cepeda 2000: 3) and 38% (Sintura [8] – referring to the year 2003). However, apart from quantitative measures, there is great agreement that lack of punishment is a serious problem. In some cases, one might even agree with the popular saying: “*el problema no es la corrupción, sino la impunidad*” (the problem is not corruption, but impunity; Pritzl 1997: 150). A well known incident of this phenomenon was the prison sentence that Pablo Escobar, Colombia’s (and possibly the world’s) biggest drug lord in history, served in a prison built on his own property (Transparencia por Colombia 2001a: 5). It should be added, however, that impunity is often seen as a general problem of the Colombian judiciary, when in reality it is only an indicator of the quality of Penal Justice (Suárez [6]).

### **Combination of factors: *Politiquería***

At this point it should be mentioned that there was no general agreement between the interviewed experts on what is to be considered grand corruption. While some did not consider *clientelismo* a form of corruption, others differentiated between grand corruption in public contracting and so called state capture.<sup>9</sup> For the matter of this paper, only the classical distinction between petty and grand corruption is made.<sup>10</sup>

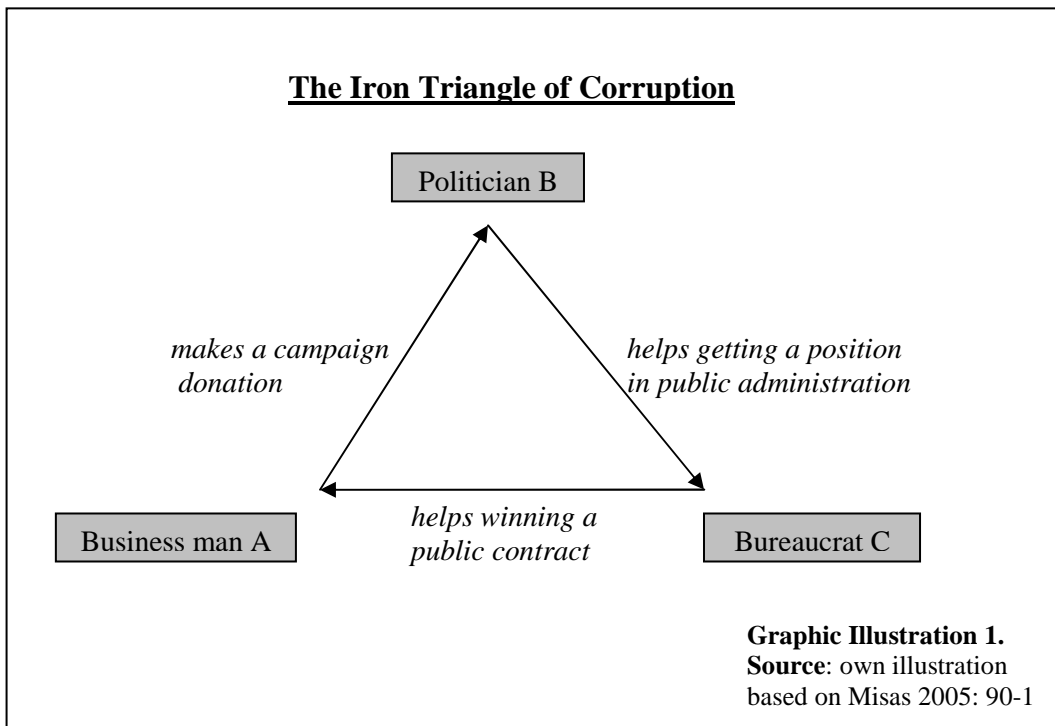
In this sense, Colombian grand corruption is an essential component of *politiquería* which, in turn, is characterized by a combination of the abovementioned factors and fostered by impunity. This is well illustrated by the typical pattern of grand corruption, referred to as *triángulo de hierro* (iron triangle) (Misas [12]). The structure of a corrupt relationship is pictured as a triangle (see Graphic Illustration 1). Each corner represents an actor and the sides the relationship between them. In the typical case, a private businessman makes a donation to a politician’s campaign. Once elected, the politician puts somebody he has a personal relation with (friend or family member) into a public position. He can then pay off his liability with the businessman by illegally providing him with a public contract through the person he has influence on in the administration. Depending on the definition, in

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<sup>9</sup> State capture refers to the capacity of private interest groups to exert influence in high spheres of public decision making through corrupt practices (Vicepresidencia/World Bank 2002: 6).

<sup>10</sup> Every day street level-type corruption involving small payments, speed money, and tips to people low in the hierarchy (petty corruption) as opposed to more sophisticated forms of corruption involving politicians and people from higher spheres of society (grand corruption) (Lambsdorff 2005a: 5)

this general example, only the part of the unlawful public contract might appear as corruption.



These triangular structures form a self-sustaining vicious circle following a political logic that can bluntly be described as “I give you so that you give me” (Gómez Pavajeau [10]).

Violence has a rather severe impact on the situation, aggravating or causing several other problems. In combination with crony structures, violence results in *clientelismo armado* (armed cronyism), where illegitimate actors use force (or threat of force) to put people they control into office (Merchán [4]).

A personal anecdote illustrates the problem of faulty political competition in combination with private interest peddling (Azüero [3]): in the discussion about the vote on a proposed law, the interview subject, at the time working in the government, was told that in order to get the law passed, he needed to convince congressman X then the others would also vote in favor. This sort of cooperation between legislators to achieve personal goals, also known as pork barrel politics, is common in many countries. However, it is far more complicated in a system, where parties are no real actors who have any control over their members or assume responsibility for their actions. Under these circumstances a private interest group needs to buy only one legislator to achieve its goals, which is by far cheaper

and easier than buying an entire party or parliamentary group. It forces the Executive to negotiate with each legislator separately who is only trying to achieve his personal interests. Thus, legislators trading favors under the given circumstances where political competition is absent represent a severe problem. In the described case, the interview subject had no choice but to negotiate with Congressman X and concede parts of his requests, even though it was obvious that X was bought by some interest group.

The bottom line meant to be illustrated is that grand corruption in Colombia is embedded in complex structures and mechanisms of the social and political system and involves different types of actors, including the mentioned illegitimate actors. There is great agreement between experts as well as in the literature, that it is the combination of the abovementioned troublesome issues of Colombian life that represents the real problem (Wills [31]). Not all aspects of this complex problem are considered corruption, but the crony and personalized political system in combination with corruption, violence in form of mafia structures, and campaign financing result in a corruptness of the system (Cepeda 2000: 5).

## **1.2. Petty Corruption**

In addition to the severe problem of grand corruption, petty corruption is widespread in the Colombian society. Obviously, the two phenomena are not independent, but more like two sides of the same coin, mutually reinforcing each other. Again, the intent here is to present the structural roots of the problem. As far as petty corruption is concerned, the Colombian case is not very different from most countries and is therefore characterized by the typical patterns associated with this problem. Thus, these patterns as well as the different aspects mentioned in the interviews will be presented only briefly and exemplified if possible and reference will be made to existing literature.

### **Enforcement of Rules**

The fundamental problem causing low level corruption in Colombia appears to be the failure to apply the existing rules. According to most experts, the present laws and regulations are well designed, but poorly applied: “we have perfection in the texts, but perversion in practice” (Merchán [4]). In this context, a popular saying was quoted by almost all interview subjects: “*hecha la ley, hecha la trampa*” (with

every law made, there is also made the loophole). Loopholes, however, are not the only reason for the substantial gap between theory and practice.

There are, of course, cases of absurd rules or regulations that can induce disobedience. A personal anecdote illustrates this problem (Merchán [4]). An obligation to present a proof of blood type when getting a new driver's license after losing it is an obsolete regulation. The blood type is already in the records of the transit authority and does not change. In combination with the quick and cheap option to buy the exam from a doctor "right next door", this rule can be expected to cause frequent disobedience. The sign on the doctor's office says *blood exams* and only the assistant is attending patients with exams previously signed by the doctor by simply filling in the blood type.

Additionally, a rather "flexible" interpretation of rules is common in Colombia, meaning that some rules are not obeyed by large parts of the population (this will be discussed with more detail in section 3 of this chapter). Obviously, impunity plays an important part in this matter, because widespread disobedience of the rules is only possible if it goes unpunished. Another factor hampering the enforcement of rules is the lack of financial and human resources in several public institutions (Sintura [8], Guerrero [9]).

### **Administrative weaknesses**

Several factors indicating poor administrative quality as a cause of corruption were mentioned.

First, access to public office is considered one of the major problems in this matter (Gómez Pavajeau [10]). Appointments through crony connections instead of administrative credentials result in a rather poor selection of personnel. Even though according to the constitution recruiting is to be conducted through competition according to merit, in practice this method is not used in many cases. When a competition of merit is the method chosen to appoint a public employee, the procedure is generally a clean process and the best applicant is chosen. However, this procedure brings about new problems. The fact that permanence in office does in no way depend on performance<sup>11</sup> and the fact that the position was achieved by winning a contest, make the new functionary feel like the "owner of his position" even more than if he was appointed using his connections (Gómez Pavajeau [10],

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<sup>11</sup> This is a problem of public administration common in many countries (Jiménez Jaramillo [14]).



Jiménez Jaramillo [14]). Other causes for the poor selection of personnel are the possibility to buy posts in the public administration (Vicepresidencia/World Bank 2002: 18-19) and the politicization of certain branches of the administration (this issue will be discussed with more detail in chapter III).<sup>12</sup> Another general cause for adverse selection of talent are prospects of high earnings through corrupt practices (Tanzi/Davoodi 2000: 22).

Second, *tramitomanía* (excessive transactions) is a problem in Colombia as well as in other South American countries. Colombian public administration is characterized by a high degree of formality (Wills 2002: 393) inducing slow processes and long lines, which are a breeding ground for corruption (Merchán [4]). To open up a business in Colombia, it is necessary to do 17 *trámites* (transactions)<sup>13</sup> in six different public entities. This procedure has been simplified in 2003 only in Bogotá and some other major cities (Molina [18]). The positive correlation between the time managers need to spend with bureaucracy and the frequency of bribery is established quite well (Kaufman/Wei 1999). It appears that a certain tendency to official procedures is noticeable in the Colombian society (Sintura [8]), considering that in the private sector excessive transactions can be observed as well. An illustrative example is the Bogotá based company *Panamericana* with over 20 stores around the capital. The purchase of any item regardless of value, involves at least three employees and three transactions. A first employee helps the customer find the article in the store and prints out a bill. The customer pays the bill at a central cash register and receives a receipt from a second employee. With the receipt he can pick up the purchased item from a third employee who wraps it in a plastic bag. Not rarely, the customer has to either stand in line at the cash register or wait at the pick up desk, because the first employee needs to carry the item there. A procedure that is quite complex and slow rather than efficient, especially for a small office supply store where the average value of a purchase is quite low.

Third, low wages can be an incentive for petty corruption (van Rijckeghem/Weder 2002). While for grand corruption this is less likely to be true – the incentive of huge illegally earned profits outweigh salary issues by far (Misas [12]) – low wages seem to play a role in cases of petty corruption (Nuncira [7], Sintura [8],

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<sup>12</sup> For graphic illustrations of the correlation between corruption and meritocracy as well as between corruption and the degree of politicization in entities of the Colombian administration, see Vicepresidencia/World Bank 2002: 35-36.

<sup>13</sup> As transaction (*trámite*) is understood any kind of official procedure a citizen has to follow when coming into contact with a public institution.

Wills 2002: 393). Raising wages of public employees might not be the only measure to improve this situation. The prospect of other alternatives like access to credits or education could be viable solutions (Sintura [8]).

Fourth, short terms instead of stability of office can intensify corrupt activities. The office holder knows that his term is limited and he therefore needs to make as much of it as he can as fast as he can (Nuncira [7], Gómez Pavajeau [10]).<sup>14</sup>

Fifth, efficient control of the administration is a general problem. On the one hand, this is due to lack of transparency or public information concerning actions taken by decision makers, as well as lack of specific accountability within the public administration. On the other hand, political control of public office holders is insufficient, especially on the local level (Gómez Pavajeau [10]). A significant factor in this matter is, again, fear of violence in the case of denunciation that prevents the disclosure of corrupt actions, which manifests in a “pact of silence” resulting in “impunity for everybody” (Cepeda 2000: 184).

Summing up, it can be said that there exists a problem of “institutional inefficiency” (Cepeda 2000: 5).

### **Traffic violations and petty corruption**

Generally speaking, the police force always bears an inherent risk of corruption, especially petty corruption, because officers need to have authority (monopoly power) and discretion (Klitgaard 1988: 116). As far as the Colombian case is concerned, bribing of police officers in transit matters is the sector with the largest incidence of petty corruption (Ospina [20], Vicepresidencia/World Bank 2002: 31). In the context of this project, 25 random taxi drivers – arguably experts in the issue of bribing transit police officers – were questioned by the author while using their services (mostly in Bogotá). The issue of interest was the possibility to pay a bribe in order to avoid a fine after committing a transit infraction. Even though they might not have any guarantee or proof of their expertise as the questioned experts do, their answers coincided in a way that allows the following three conclusions:<sup>15</sup>

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<sup>14</sup> This argument is also used the other way around: corrupt relationships need time to develop and therefore short office terms and rotation of agents are recommended (Klitgaard 1988: 89).

<sup>15</sup> As the group of people interviewed was rather homogeneous and the topic much more specific, the answers received in this undertaking coincided much more than information obtained in the expert interviews.

- (I) Bribing a transit police officer is very common. In most cases it is possible to pay a bribe to avoid a fine and a mere matter of the amount one has to spend to do so.<sup>16</sup>
- (II) The fines are extremely high (see Secretaria de Tránsito y Transporte 2005). For simple traffic violations like running a red light, a fine of a minimum monthly salary (381 500 Colombian Pesos, equivalent to about US\$ 165) is charged and the car is impounded until the fine is paid. The extreme case is a fine of six million Colombian pesos (equivalent to about US\$ 2600) for a taxi leaving the city limits without the necessary permission.
- (III) The risk of insinuating interest in a corrupt resolution is close to none for either party. To do so, the taxi driver starts “crying” (*llorar*) about his financial problems and how he can not pay the fine, while the police officer simply does not immediately start to write out the ticket, but instead starts arguing that he has to do so. Depending on his skills to “relate to the officer”, the taxi driver usually finds a way to establish a personal relation to the police official. In many cases, he can convince him to “understand his difficult situation”, just as he understands that the officer “has to do his duty”. Such a transformation of the formal relation of a traffic violator and a transit police officer into a personal relation greatly facilitates an outcome where they find a way to “arrange things”. This seems especially true, since the result is not always a bribe paid. Instead, in many cases the police officer will change the committed infraction to a lesser one, lowering the fine for the taxi driver without any direct profit for himself.

According to theory, corruption in many cases is a calculated crime, where the actors compare the utility of the corrupt action with its costs (Klitgaard 1991: 123). The decision on whether to commit the corrupt act is therefore made according to

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<sup>16</sup> Interestingly, unanimous agreement was found that female police officers are nowhere near as easy to bribe as their male colleagues – most taxi drivers even pointed out that they are impossible to bribe. Explanations for this observation varied and are therefore inconclusive. Some taxi drivers suspected that female officers are afraid of accepting bribes, because they have only been admitted to the police force recently and therefore less seniority than their male colleagues. Moral aversion to illegally accepting bribes or simply a strong or even stubborn character were other explanations. One interview subject even suspected that it was a lack of cab drivers’ skills of talking to women.

the well known approach of comparing the expected utility of an action with its expected costs.<sup>17</sup>

The abovementioned conclusions have the following implications on the rational calculus. Expensive fines produce high bribes and there is little if any incurred risk for both parties (internal control of police officers is not very efficient yet). Thus, the expected utility is extremely high for both parties, while the expected costs of the corrupt action consist mostly of the bribe for the taxi driver and are close to none for the police officer. Therefore, with the exception of an extremely high bribe asked for by the police officer or a very low bribe offered by the taxi driver, the corrupt act is the rational choice for both parties under the given institutional settings. One might even say that “bribing transit police under the given circumstances is not corruption but a logical consequence” (Arteaga [28]). This is especially true, since the involved parties belong to low income classes. In a single incident, a police officer might make a week’s salary, while the cab driver saves about a week’s salary by bribing instead of paying the fine (not to talk about the abovementioned extreme case of a fine that would drive most taxi drivers out of business and might force them to sell their taxi). Therefore, moral considerations can hardly be expected from either party.

Another consequence implicated by these observations is that increases of fines are unlikely to improve the situation, because they increase the incentives of the corrupt alternative while its expected costs still are rather low due to the low risk of detection. It appears that in this case high fines are not the best measure to prevent corruption (Nuncira [7]). The fines intended in this sector appear too draconic and might therefore have increased the level of corruption.<sup>18</sup>

However, as bad as the situation appears, it has still improved notably in the case of Bogotá. Until about 1997 there was a private transit police force. Its members, commonly referred to as *azules* (blue) or *chupas* (suckers), were considerably more corrupt.

Certainly, this example is not representative for the entire Colombian public sector, because transit police is the exception (Ospina [20]) and institutional settings (monopoly power of the public employee and cost of uncorrupt transaction) are not

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<sup>17</sup> Borner/Schwyzler (1999) following the general approach of Gary Becker (1968).

<sup>18</sup> General agreement was found between the questioned taxi drivers that it has become more expensive to bribe police officers over the past years. It appears that the significant increases of fines could be one of the reasons for this development.

as bad in general. However, the feasibility of transforming a formal situation into a private relation (conclusion III) seems to be a structure that can to some extent be generalized. As it does not appear to be dependent on the specific situation or actors, it can be expected that this sort of behavior also facilitates corruption in other areas of Colombian society where personal contact is necessary in an official transaction (Botero [16]). This phenomenon troubles public sectors in other South American countries as well. Even though it might not be uniquely Colombian and might not apply to all parts of the public sector in the same way, it certainly appears to be part of the core of the problem of Colombian petty corruption.

Summing up, it can be said that the described structures of petty corruption certainly represent a problem troubling the Colombian public sector. However, the experts widely agreed that petty corruption is definitely not the real problem. The core of the problem rather is found in the complex structures of grand corruption described in the previous section.

### **1.3. Indirect Factors**

In addition to the abovementioned, there are several factors characterizing the Colombian society that are indirectly connected to the issue of corruption. While it is difficult to measure the impact of the following factors, it is certainly correct to say that corruption in Colombia is not an isolated issue, but connected to several other problems.

#### **Social inequality and exclusion**

In addition to being a third world country with a rather low per capita GDP, Colombia is socially quite imbalanced with great income differences between the different strata. An evidence of this social inequality is the large number of people in the service sector like private housekeepers, doormen, and security personnel (Correa [17]). A direct consequence of social imbalance is exclusion of great parts of the population from social or political possibilities of participation, a factor that can promote corruption in two ways.

First, poverty can be seen as a cause of corrupt behavior, because a poor person might not have the money to pay for certain public services and is consequently forced to opt for the corrupt alternative to achieve his goal. Obviously, this applies

only to cases of petty corruption and, according to most experts' opinion, is therefore not an essential part of the problem.

Second, and more important, poverty and exclusion in combination with violence and corruption form a vicious circle that is heavily troubling Colombian society (Coronell [24]). Young people without chances of social participation or ascent are the ones joining the mentioned groups of illegitimate actors. In rural areas, they join guerrilla or paramilitary groups at an early age, while in urban areas they are tempted to make fast money dealing or smuggling drugs, or perform other illegal activities, like working as contract killers (*sicarios*). The violence and corruption resulting from the activities of those illegitimate actors not only inhibit any chance of resolving social problems like poverty, but aggravate them. Guerrilla and paramilitary groups systematically steal public money thus producing more poverty. This is especially true since in many cases poor parts of the population are directly affected, for instance when it comes to corruption in the public health or educational system. Violence forces many people to leave their homes in the conflict zones. At present, there are more than two million estimated people who have been forced to migrate due to actions of violent groups (Suárez [6]). As *desplazados* (displaced people) they form part of the indicated vicious circle. Some direct victims of kidnappings or other violent acts get the chance to leave the country as political refugees, but the majority move to the cities, which presents a serious burden on the Colombian society.

### **Brain Drain**

A general problem of developing countries is the fact that many of their talented workers and academics migrate to industrialized countries to earn higher wages there and enjoy better standards of life. Colombia is no exception in this case. Due to the severe dangers the violent conflict presents, leaving the country is a popular option for high potentials.<sup>19</sup> Unfortunately, this phenomenon includes a negative selection process, especially under the influence of violence, because it is mostly honest people and whistleblowers who have to fear for their lives and leave the country (Pritzl 1997: 129).

A second aspect of this problem is a national version of brain drain, also not uncommon for developing countries. Due to the lack of possibilities, the greater part

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<sup>19</sup> Interview partner wishes not to be quoted.

of qualified workers and academics go to the major cities, where prospects are better (Gómez Pavajeau [10], Gómez Tobón [19]). In the Colombian case, Bogotá is the main destination of such migration that leaves rural areas with little potential of capable workers or academics. As this occurrence is aggravated by violence in rural areas, it is more severe than in most other Latin American countries.

### **Geography**

Geographical conditions make parts of the country like mountains or jungle extremely difficult to access. Naturally, these regions have little infrastructure, which makes them very hard to control. Therefore they serve as enclaves for violent groups and production of drugs.<sup>20</sup> Additionally, geographical conditions can impose high costs of transport for two reasons. On the one hand, transportation costs are high due to the poor infrastructure. At present, it is more expensive to transport cargo from Bogotá to the Colombian port of Buenaventura than to Tokyo (Londño 2005). On the other hand, guerrilla or paramilitary groups start controlling highways, kidnapping for ransom or charging truck drivers a “toll” to use public roads without getting shot or having their truck taken away.

### **Moral and Ethics**

Most of the more recent articles and books on corruption assure that, unlike 15 years ago, nowadays it is common knowledge that corruption is not a cultural phenomenon and not accepted in any culture. This is certainly true for the Colombian case. However, there are several moral and ethical factors that have been mentioned in the interviews that do seem to play a role.

First, the mentioned discrepancy between rules and practice can to some extent be attributed to a poor legal tradition. In Colombia the roots of this problem can be traced back to colonial times. At that time laws were made in Spain far away from South American everyday life. Their implementation was therefore never executed with great exactness, leading to a notorious discrepancy between *de jure* and *de facto* rules (Suárez [6], Guerrero [9], Gómez Pavajeau [10]) – a problem common also in other Latin American countries (Pritzl 1997: 253). Combined with poor enforcement, this attitude leads to cases of general disobedience of rules. Illustrative examples of this matter are public buses in Bogotá. With very few exceptions, they have a sticker on the outside of the rear window saying *servicio ejecutivo – no*

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<sup>20</sup> Interview partner wishes not to be quoted.

*se admiten pasajeros de pie* (executive service – no standing passengers allowed). However, there is not a single bus driver obeying this rule for if he did, he would lose passengers. And almost all buses are commonly packed with standing passengers during rush hour, even though it is forbidden by traffic laws.

Second, a factor mentioned in several interviews is the influence of the drug trade and the money it brings into the country on the morality of the people. The idea that everything has its price and anyone can get rich fast and easily is an “inheritance of the drug traffic” (Barberena [26]). The mentioned social exclusion that leaves poor people with little or no perspective combined with the possibilities the drug traffic offers them to make fast money and gain influence leads to a noteworthy influence of the drug business on people’s attitude and behavior. The resulting attitude of ignoring the rules is also referred to as *cultura del avión* (air plane culture), because they “pass over everybody” using violence and corruption to achieve social or financial ascent (Molina [18]).

Third, a negative self-perception of Colombians is common and quite notable (Barberena [26]). A great part of the people feels that “from the president down” the whole political system and the public sector are totally corrupt. Their attitude towards this problem then oftentimes is sarcasm: “Corruption? Oh, no! There is certainly no corruption in this country, no Sir!” One individual said: “Research showed that Colombia is the second most corrupt country in the world – damn somebody must have beaten us.” On the one hand a well-defined awareness of the problem is certainly a positive factor facilitating efforts to combat corruption.<sup>21</sup> On the other hand, a negative and in some cases exaggerated self-perception creates distrust in public institutions causing more corruption (Zuleta [1], Ospina [20], Barberena [26]). Additionally, it severely hurts anti-corruption efforts (Cepeda 2000: 6).

Summing up, it is obviously difficult to tell how penetrating or comprehensive a lack of ethics or a “crisis of values” (Cepeda 2000: 185) can be found in the country. However, while its impact cannot be quantified, the experts maintained that a lack of morally correct behavior certainly forms part of the core of the problem.

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<sup>21</sup> Surveys show that the general perception of corruption is rather high, while victimization is low, indicating that sensitivity of Colombians towards the problem is rather distinctive (Arteaga [28], Rodríguez-Raga/Seligson 2004: 127).



## **2. Key Sectors and Their Evolution**

### **2.1. General Remarks**

This chapter presents an analysis of the different sectors (Integrity Pillars) considered in the project. As far as the obtained results allow it, a brief overview of the most important sector specific problems will be given. Furthermore their evolution and its impact on the level of corruption in the time period of interest are described. It should be noted that the following comments primarily reflect the conducted expert interviews. There is a good amount of literature treating each sector with more detail, yet with little emphasis on the evolution of the sector.<sup>22</sup> Even though International Agencies represent an Integrity Pillar, they are not considered with special detail, because according to the statements made by the experts, the role they play on the issues of interest seems to be less important.<sup>23</sup>

#### **Constitution of 1991**

Major institutional changes in all sectors of the Colombian society were generated by the new constitution that was enacted in 1991 replacing its predecessor from 1886. While the repercussions of this incisive event go far beyond the scope of this paper, as far as matters of corruption are concerned, its impact can be generalized: corruption had been “identified as severe problem” (Guerrero [9]) and “taken into special consideration” when the new constitution was adopted (Cepeda 2000: 102). All sectors have been affected significantly by the new constitution. Relevant institutional changes observed by the experts will be discussed in this segment.

#### **Decentralization**

The principle of organization of the Colombian state is a pattern of simultaneous political centralization and administrative decentralization. This trend has been intensified since its origins in the Constitution of 1886, and especially after the year 1983. In 1991 it was reinforced again in the new constitution (Rodríguez 1997: 26). Particularly, there are three aspects to this phenomenon.

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<sup>22</sup> For an evaluation of Integrity Pillars with focus on the discrepancy between de jure and de facto situation, see *Transparencia por Colombia 2001a*.

<sup>23</sup> This is not to say that they do not play a role. The large amounts of money they spend and the work they do to (e.g. in the fight against guerrilla, paramilitary units and the drug trade, as well as staff training in watchdog agencies) certainly has positive impacts. And as far as public contracting is concerned, there are legal mechanisms to contract through international agencies and avoid a public tendering process. This has been quite problematic ([Huertas [23]).

First, political-administrative decentralization means that citizens of local communities have more opportunities to participate in the decision making processes of their local public affairs.

Second, fiscal decentralization implies that more money is directed to the lower levels of the administrative hierarchy. Transfers from central government to departments have increased significantly over the past decade (see Table 2).<sup>24</sup>

And third, functional decentralization assigns more duties and responsibilities to local entities (Wills [31], Rodríguez 1997: 23-26).

<b>Total Transfers from Central Government to Departments</b>	
<b>Year</b>	<b>Value*</b>
1994	77 693
1995	119 467
1996	189 446
1997	275 375
1998	380 747
1999	526 181
2000	576 055
2001	756 149
2002	1 038 871
2003	1 205 758
2004	1 385 678

**Table 2.**

**Source:** own calculations based on [www.dnp.gov.co](http://www.dnp.gov.co) and [www.dane.gov.co](http://www.dane.gov.co)

\* in millions of Colombian Pesos (inflation-adjusted, base year 2004)

The consequences on corruption resulting from this process are ambiguous. On the one hand, an increase in possibilities of participation at the local level should, in theory, provide more direct opportunities of control and therefore reduce the level of corruption. On the other hand, more money and discretion at the local level increase the incentives as well as the possibilities for corruption. In Colombia, these general tendencies translated into different results: in institutionally well prepared communities the level of corruption decreased, while in less prepared communities the opposite was the case (Wills [31]). Since little research has been done on the

<sup>24</sup> For more detail on the evolution of public spending, see Misas 2005: 83-86.

details of local corruption issues, it is not possible to assess the total impact of the decentralization process on the level of corruption (Wills [31]). What can be ascertained, on the other hand, is that the decentralization process has significantly changed the form and locality of corruption. The transfer of more money to areas with ineffective or inefficient institutions led to a significant aggravation of existing corruption problems and to the creation of new ones (Cepeda 2000: 5).<sup>25</sup> In many cases, institutions in rural areas lack the capacity to control corruption, due to the problems of cronyism, violence, and brain drain. Moreover, in the conflict zones violent groups totally control local offices of decentralized institutions, making money transfers from the central government to the regions one of the most complicated issues of administration.<sup>26</sup> Therefore, substantial regional differences can be noted in the level of corruption, which is no real surprise, because conflict zones can be expected to have higher levels of corruption – increases in transferred money only aggravate the problem.

“Some regions with formerly little or no presence of public authority were only declared departments in the process of decentralization. In some cases they did not even have a public bank, because it would have been robbed on a weekly basis by guerrilla groups.” (Gómez Pavajeau [10])

More interestingly, differences between institutions can be noted. A public entity managing large amounts of money with great discretion at local offices is more susceptible to corruption. In the negotiation process between the Executive and Legislative Branches, the legislators request appointment of their selected candidates to positions in those sectors and institutions, such as local offices of *Dirección de Impuestos y Aduanas Nacionales – DIAN* (responsible for the administration of taxes and customs duties) for example (Azüero [3]). Therefore it is common knowledge that apart from public contracting the most troubled public sectors are health, *regalías* (taxes on exploration rights for natural resources), and pensions (Cepeda [21], Zuleta [1]) as large amounts of money are collected or distributed on the local level in these sectors.<sup>27</sup>

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<sup>25</sup> For more details on the correlation of corruption and decentralization in general, see Devas 2005 and for the Colombian case see Gonzalez Salas 2001.

<sup>26</sup> Interview partner wishes not to be quoted.

<sup>27</sup> Other examples are gambling and liquor taxes, which are also collected on the local level and therefore heavily affected by corruption (Zuleta González [1]).

## 2.2. Executive Branch

On the central level, the Executive Branch seems to be one of the cleaner parts of the public sector (Ospina [20]) depending largely on the President's integrity. After the infamous *proceso ocho mil* in 1994, Colombia's most outstanding case of corruption in the course of the campaign of later elected president Ernesto Samper (1994-1998)<sup>28</sup>, the last two presidents – Andrés Pastrana (1998-2002) and Alvaro Uribe (since 2002) – both have a reputation of integrity.

The major problem for the Executive Branch lies in establishing its relation to the Legislative Branch. To get its laws passed, the Administration has to negotiate with Congress. This system leads to a general debilitation of the Executive Branch. On the central level, they have poor negotiating options. Due to the absence of parties as independent actors, negotiations have to be conducted with each legislator separately, obliging the Administration to frequently concede to them in their requests for appointment of their candidates to public office (chapter III.1.1). There are numerous cases of friends or family members of legislators in public office, from diplomatic posts to public administration on the local level (Gómez Pavajeau [10]). Many of them are less qualified and more prone to be corrupt, because apart from nepotism the very reason for a legislator to have "his" person in a public office is the possibility to pay back people who financed his campaign (Azuero [3]). It should be noted, however, that the legislators do not bear the sole responsibility for the troublesome relationship between the Legislative and the Executive Branch. In many occasions it is the officials in the Executive Branch who initiate the negotiation process interfering with the jurisdictional duties of the Legislative Branch. "The National Congress has been subsumed under the Executive Branch over the past half century" (Misas 2005: 114).

A change in the selection process of Mayors (*Alcaldes*) in 1986 and of Governors of the federal states (*Gobernadores*) in 1991 brought about significant institutional changes in the Executive Branch. As a consequence of the decentralization process, these officials are now elected directly by the people instead of being nominated by the central government and they have more decision-making power. While in general this has certainly increased possibilities of participation and

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<sup>28</sup> The public image of Ernesto Samper was substantially damaged by the revelation of drug money from the Cali cartel as donations to his presidential campaign. The legal proceedings of the subsequent "Process 8000" – named after its file number – took almost four years. President Samper was finally declared innocent, but several campaign members were put in prison.

accountability on local and federal state level, this innovation has also had negative effects for two reasons. The negotiating focus between the Legislative and Executive Branches has changed while their underlying relationship has not. The Executive Branch official now has to concede the appointment of different public offices other than that of mayor. Under the previous circumstances the nomination of a mayor was considered the most a legislator could ask for, whereas now the Executive Branch official has to offer different posts (Azuero [3]). But more decision making power and more money placed in the hands of local politicians mean that they have more discretion. At the same time, they have local knowledge to exploit their possibilities.

“A local Mayor knows exactly where to build a new school to maximize his votes, whereas before, with decision making on the central level, there was something like a veil of ignorance” (Misas [12]).

There appears to be a trend that can be described as follows: the lower the level of government (from national to federal state to municipal), the higher the level of corruption (Vicepresidencia/World Bank 2002: 32). Consequently the mayor, as the person directing money on the local level with relatively broad discretion, is the position that has the highest conviction rate for corruption offenses (Guerrero [9], Maya Villazón 2004: 14-24). Unfortunately, only recently (under the current administration) has the focus of attention shifted to the local level (Ospina [20]).

As far as the explicit combat on corruption is concerned, the Executive is engaged in two ways.<sup>29</sup> On the one hand, the Office of the Vice President (*Vicepresidencia*) is in charge of a Presidential Program of the Combat on Corruption (*Programa Presidencial de Lucha Contra la Corrupción*). On the other hand, every four years each new government presents a National Development Plan (*Plan Nacional de Desarrollo*), which is approved by Congress. Part of this plan is a Program for the Modernization of Public Administration (*Plan de la Renovación de la Administración Pública* – commonly referred to under its acronym *P.R.A.P.*) under the direction of the National Planning Department (*Departamento Nacional de Planeación* – *D.N.P.*). While the presidential anti-corruption program is meant to attack corruption directly, goal of the *P.R.A.P.* is a modernization of public administration and efficiency improvement, which, in turn, is closely related to the problem of corruption. At this point, it is impossible to make a detailed evaluation

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<sup>29</sup> In 1995 the *Comisión Nacional para la Moralización* was officially designed as the highest instance in the fight against corruption. Since it has only met twice so far, it has not had any impact and is therefore not considered (Jiménez [2]).

of the Executive Branch's impact on the war on corruption.<sup>30</sup> In general terms, it can be said that critics of the Presidential Program argue that it "has no teeth" – no possibilities of sanctions against corrupt individuals (Huertas [23]) and can therefore only state problems and denounce them publicly (Jiménez Jaramillo [14]). Its current focus is on increasing the participation of the general public and on promoting a culture of lawfulness especially on the local level (Jiménez [2]). While many experts agree on the necessity of these long term projects, others reproach that at the same time chances of achieving concrete results faster by taking more serious action are lost (Sanginés [29]). Furthermore, some critics claim that even though there are several programs Colombia has not yet been able to establish a serious and encompassing public anticorruption policy (Sanginés [29], Misas 2005: 149, Delgado 2005:50).

### **2.3. Legislative Branch**

Within the principle of political centralization and administrative decentralization, the Legislative Branch is completely centralized. Federal state and municipal bodies (*Asambleas Departamentales* and *Concejos Municipales*) are basically mere "administrative corporations" (Rodríguez 1997: 23). Hence, the focus of interest lies on the National Congress. The core of the problem here is the logic of the modus operandi already discussed. Negotiations between Executive and Legislative officials in an extremely personalized system lead to a problematic relationship between the two branches.

The historic root of this problem lies in substantial part in a system referred to as *Frente Nacional* (National Front). In 1958, as an answer to a period of severe violence commonly referred to as *La Violencia*, the two major parties, Liberals and Conservatives, agreed to a power-sharing system. They would each occupy half of the positions in public office and alternate by terms in providing the President. Under the system of the *Frente Nacional*, which lasted until 1974, political competition was practically inexistent, because no other parties were admitted.<sup>31</sup> This period of alternation in power instead of political and ideological competition is

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<sup>30</sup> Specific and current information is available on the web sites of the respective institutions ([www.anticorrupcion.gov.co](http://www.anticorrupcion.gov.co), [www.dnp.gov.co](http://www.dnp.gov.co)). For detailed information about the impact of the current program as well as those of past administrations, see Misas 2005: 133-141 and Cepeda 2000: 41-70.

<sup>31</sup> For more detailed information, see *Transparencia por Colombia* 2001a.

partly responsible for the mentioned debilitation of parties (Ungar [5]). The new constitution was explicitly designed to open up the political system to new actors and facilitate the creation of parties. In a disappointing result the country went from a system with two parties to the other extreme with more than 70 parties, a situation that “no political system could bear” (Ungar [5]). Additionally, the method of counting the votes at elections has produced a growing fragmentation of the parties’ lists of candidates into a growing number of different lists per party (Azuero [3], Roland/Zapata 2002). These factors led to a situation, where a legislator of the National Congress is elected by a rather small constituency. Since a legislator is not bound to any party discipline either, accountability of the Legislative Branch is extremely difficult, because “in the best of cases, he is accountable to his about 35 000 voters” (Ungar [5]).

Another crucial part of the problem is the fact that a certain minimum amount of money is necessary for a success in politics, especially on the local level (Gómez Pavajeau [10]). Consequently, the problems of *politiquería* and campaign donations paid back through corrupt contracts originate partly from the need of candidates to finance their campaigns. Rising costs of campaigns, the use of spin doctors, and television spots admitted for the first time in 1994 have aggravated this problem.

In 2003 institutional reforms were made in an effort to improve the problems of fragmentation of parties and candidate lists (Azuero [3], Ungar [5]). However, they have not had an impact yet and are therefore not considered in this analysis. It appears that Congress has gained somewhat more of society’s trust (Merchán [4]), yet it still remains one of the least trusted institutions (Rodríguez-Raga/Seligson 2004: 24, Saez 2003: 945). Furthermore, its transparency has increased and there have been no major scandals involving Congress as an institution in the past six years, which does not mean that single legislators have not been involved in corruption scandals (Ungar [5]).<sup>32</sup> At the same time, it is clear that the roots of the problem in this sector are deep-seeded, and major advances are impossible without fundamental changes in the political system – above all, in the role of political parties.

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<sup>32</sup> For an academic project measuring transparency of legislators, see [www.andi.com.co/CVisibles](http://www.andi.com.co/CVisibles).

## 2.4. Judicial Branch

The new constitution has brought profound institutional changes to the Judicial Branch. Most importantly, a new institution for public prosecution was installed, the *Fiscalía General de la Nación* (Office of the Attorney General). The administration of the judicial branch (with exemption of the *Fiscalía*) has also been subordinated to a new body, the *Concejo Superior de la Judicatura* (Superior Council of Jurisdiction). At this point it is not possible to evaluate the detailed impact of these fundamental changes. In general terms, the establishment of the *Fiscalía* has certainly been a significant improvement, because it is a “credible and effective body” in the combat against crime and corruption (Sintura [8]). Prior to 1991, as far as penal justice was concerned, the person responsible for a case was in charge of the investigation, the prosecution, and the adjudication of the matter. The obvious problem with this arrangement is that the person bringing a case to court as a result of his own investigation is hardly likely to be a neutral judge (Nuncira [7]).

At present, the Colombian Judicial Branch is troubled by several serious problems. First, the most important challenge is a lack of the requisite independence. The Attorney General of the Nation (*Fiscal General de la Nación*) is appointed by the Supreme Court from a group of three candidates proposed by the President. This process gives the Executive the possibility to influence an important part of the Judicial Branch, especially because the Attorney General appoints all attorneys on his own behalf (Suárez [6]). Since every President gets to appoint his Attorney General who commonly is in office during a period of time after the President’s office term, prosecution of crimes committed by his administration tend to be less thorough (Suárez [6]). Furthermore, the *Concejo Superior de la Judicatura* is elected by Congress. Again, there is a great risk of undue influence on this body which, among other tasks, appoints judges and magistrates (Sintura [8]). A final judgment on the impact of these processes is impossible at this point. However, while there might be some disagreement (Nuncira [7]), a certain degree of politicization of the Judicial Branch seems to be certain (Suárez [6], Sintura [8], Gómez Pavajeau [10]). This is undoubtedly problematic, because its independence is of supreme importance.

Second, the hiring process presents serious flaws. In general terms progress has been made concerning recruitment of qualified personnel in the Judicial Branch, making chances of getting hired less dependent on “connections” (Suárez [6]).



However, this is not the case for the *Fiscalía*. As it is autonomous from the *Concejo Superior de la Judicatura*, in its 15 years of existence an estimated 90-95% of the attorneys have been hired without competition according to merit or administrative career. The detrimental consequence is a rather poor qualification of some attorneys (Gómez Pavajeau [10]).

Third, violence against members of the Judicial Branch, especially judges, is preventing detected criminals from being convicted. While it is far from being solved, it appears that the situation has improved. However, this might be partly due to the fact that criminal groups have learned that it is preferable to bribe judges instead of threatening them – in which case the problem has only changed, but not really improved (Sintura [8]). Rates of impunity have decreased (Sintura [8], Ospina [20]) also due to fact that the *Fiscalía* has enhanced its processes from detection to conviction. Records of processed cases have been computerized for the past five years, making them easier to monitor and internal controls are more effective and “less flexible” (Nuncira [7]).

Fourth, low wages of judges in comparison to other countries (Suárez [6]) and lower compensation for administrative support positions both contribute to corruption (Sintura [8]).

Fifth, processes are too slow. On average, civil processes take three years, penal processes five years, and processes determining liabilities of the state might last up to twelve years. This is “a disaster” because in some cases “tardy justice is no justice” (Sintura [8]).

Sixth, the public image of the Judicial Branch might suffer for two reasons (Sintura [8]). The fact that in many cases Attorneys General accept government posts after their term (phenomenon of the revolving door described in chapter III.1.1) certainly hurts its reputation. Furthermore, with frequent mitigation of sentences, the Justice System presents itself as weak (Sintura [8]).

Summing up, it can be said that even though there are signs of improvement, the Judicial Branch is still troubled by problems severe enough to lead some observers to the conclusion that it is “at the epicenter of the problem of corruption” (Saez 2003: 946).

## 2.5. Watchdog Agencies

According to the new constitution there are three institutions in charge of overseeing the public sector and its employees.<sup>33</sup> The *Fiscalía General de la Nación* is responsible for penal sanction in case of a criminal incident. Since the *Fiscalía* forms part of the Judicial Branch (Rodríguez 1997: 120) it has already been discussed in the previous section. The *Procuraduría General de la Nación* (Nation General Prosecutor's Office) oversees public employees and imposes disciplinary sanctions in case a public official fails to comply with or exceeds the scope of his duties. The *Contraloría General de la Nación* (Office of the Comptroller General of Finances) is in charge of overseeing the execution of public spending and of the recovery of money in case of irregularities (Guerrero [9]). The *Defensoría del Pueblo* (People Ombudsman Office) in charge of defending the interests of individuals is another oversight body created by the new constitution. Subordinate to the *Procuraduría* (together they form the *Ministerio Público* (Public Ministry) (Rodríguez 1997: 143), it plays a minor role and is therefore not discussed with detail. The oversight entities of interest (*Contraloría* and *Procuraduría*) are troubled by several sorts of problems.

First, their effectiveness and efficiency on the local level seems to be rather low due to several reasons. Even though they both are centralized institutions, on the local level exist positions that are independently elected. These parallel offices are relicts from colonial times, complicating matters of chain of command (Guerrero [9], Gómez Pavajeau [10], Gonzalez Salas 2001). Additionally, violence against office holders is a serious problem, especially on the local level. Since effective protection can only be guaranteed for the heads of the organizations, their local representatives are very vulnerable, which makes it difficult to find qualified people willing to conduct a thorough oversight (Gómez Pavajeau [10]).

Second, the election of the heads of the watchdog agencies involves other branches, making them susceptible to political dependencies and undue influences (Coronell [24], Transparencia por Colombia 2001a: 13). As in the case of the *Fiscalía*, this problem is aggravated by the hiring practices used. Even though according to the constitution positions are supposed to be filled through competi-

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<sup>33</sup> For detailed information concerning the watchdog agencies (*organos de control*), see Misas 2005: 164-182 and Transparencia por Colombia 2001a: 9.

tions according to merit and academic qualifications, in many instances this is not the case (Gómez Pavajeau [10]).

Third, a lack of cooperation between the oversight agencies (including the *Fiscalía*) has been the subject of criticism (Jiménez [2]). For instance, investigation protocols are not standardized, making the results of investigations by one institution in some cases useless for the other. This is problematic, because in several cases, especially cases of corruption, all three bodies might be involved. In the majority of corruption cases, a public employee fails to comply with the scope of duties or exceeds it, leading to an investigation and sanction by the *Procuraduría*. In case the activity was against the law, the *Fiscalía* intervenes. And the *Contraloría* is responsible for recovering lost public money. This task-sharing does not represent a fundamental problem. In general terms there is cooperation between the different institutions, even though it should be improved (Guerrero [9], Misas 2005: 180).

The institutional setting of the regulatory bodies defined in the new constitution and the extensive amounts of money spent show good intentions to combat corruption (Arteaga [28]). In general terms there seems to be agreement that the subsequent increase in corruption cases is evidence of more active oversight activities (Sintura [8], Misas [12]). There is less agreement, however, on the question of whether this really lowers the general level of corruption. While on the national level they have certainly helped to significantly improve the situation, they appear to be of little effect on the local level mostly due to the abovementioned weaknesses of decentral units of public institutions.

## 2.6. Civil Service

The primary weaknesses of Colombian public service have already been discussed in chapter III.1.2. It is difficult to make generalized assessments about any changes in the level of corruption in this sector, because the different entities of the civil service are affected in different ways by corruption.<sup>34</sup> Nevertheless, three issues that have had a general impact should be mentioned.

First, possibilities of control have improved over the past 15 years. This is especially true for external control, as described in the previous section. The institu-

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<sup>34</sup> For details and rankings of the institutions of the civil service see Transparencia por Colombia, 2004a, 2005, and Vicepresidencia/World Bank 2002.

tional setting defined in the constitution of 1991 and the implications of switching from a system of previous and obligatory control to posterior and selective control greatly improved the situation (Artega [13]). In contrast, the implementation of auditing and internal controls for public entities has been rather slow. Little or nothing changed in these areas until 2002 (Artega [13]). Reforms implemented in 2003 or later should have very little effect on matters during the period considered in this paper (especially because a perceived improvement of the situation in 2004 would have to be preceded by changes of the situation in 2003).

Second, the described problem of excessive transactions stayed the same or possibly worsened until 2002. Up to then, each public entity had the autonomy to make up its own transactions. Therefore, until 2003 the total amount of transactions increased (Artega [13]) with about 80% of them created by the entities themselves (Jiménez Jaramillo [14]). Reforms have been implemented to restrict transactions in 2003. They have had little or no impact so far and are consequently not taken into consideration.

Third, electronic information systems have increased transparency and lowered possibilities for corruption, because information is easily accessible without personal contact (Misas [12]).<sup>35</sup> This has brought about significant improvement since 1998 (Artega [13]).

Summing up, it can be said that the level of corruption in the civil service seems to have decreased significantly due to better possibilities of control, especially on the central level. Other reforms are still in the process of being implemented and further improvement is expected during the next years (Artega [13]). However, basic problems like poor quality of personnel originating from *politiquería* (cronyism in combination with a lack of academic careers) remain a serious problem. Between 1999 and 2004 about 130 000 public employees were hired on a provisional basis, because the law regulating the hiring process was declared unconstitutional in 1999 (Jiménez Jaramillo [14]). More importantly, the efficiency of public money spent remains a serious challenge, especially on the local level. Although more money has been transferred to local entities, the quality of public services has not increased in some cases. For instance, even though between 1996 and 2003 spending on education and health care systems has nearly doubled, the quality of these services has at best stayed the same (Jiménez Jaramillo [14]). It is impossible to as-

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<sup>35</sup> The main website containing information concerning all public entities can be accessed at [www.gobiernoenlinea.gov.co](http://www.gobiernoenlinea.gov.co).

sess to what extent this is caused by corruption. Nevertheless, the observed inefficiency indicates a significant problem of public spending in general. As far as it originates from corruption, there is great agreement that structures of grand corruption are the real problem and not petty corruption in the public administration.

## **2.7. Private Sector**

In an analysis of grand corruption, the most precarious issues arising from the involvement of private companies stem from abuses in campaign financing and lobbying. The role the private sector plays in the evolution of petty corruption is less decisive, because its level is largely determined by other factors discussed already. Three major issues have affected the role of the private sector over the past decade.

First, the stigmatization that in a corruption case the public official or politician holds the sole responsibility has started to vanish. The general public as well as the business people have realized that “50% of the fault is on behalf of the briber” (Rodríguez [15], Ungar [5]). This modification of the distribution of responsibility has brought about a different approach and a different attitude of the private sector towards the whole issue. “It is like the process an alcohol addict goes through – the first step of recovery is to admit that one has a problem” (Rodríguez [15]). Additionally, moral sanctions on private enterprises involved in corruption scandals have increased, because they are now held responsible for them by the general public (Botero [16]).

Second, the private sector is now also aware that corruption is detrimental to all of its members. At the same time, in many cases of petty corruption as well as public tendering procedures, honest behavior is no real choice for a business person, because its costs by far exceed the corrupt alternative. In some cases that person would simply have no chance of achieving his goals (like winning a public contract) or at least would face a significant competitive disadvantage (Rodríguez [15], Barberena [26], Krug 1997: 31). Therefore, efforts have been made by the private sector to curb corruption and to implement fair rules that guarantee a clean business environment beneficial for all companies (Molina [18], Rodríguez [15]).

Third, multinational companies operating in Colombia exert a negative influence. Since most of them are not sanctioned in their countries of origin for corruption in foreign countries, their corrupt practices are detrimental for the situation of the

entire private sector. Positive exceptions are companies from the United States. As they are severely punished for bribing abroad according to the Foreign Corrupt Practices Act of 1977, their conduct differs significantly from other multinational companies (Botero [16], Coronell [24]).

Apart from matters of grand corruption discussed already, contracting with the state is one of the areas most heavily affected by corruption in Colombia, as in most other countries. Yet,

“the insight that public contracting comprises severe corruption hazards is as trivial as saying that shoes are made for walking, because that’s where the state spends its money” (Zuleta [1]).

While considerable agreement exists among experts that public contracting is seriously troubled by corruption, the same cannot be said for its evolution. Law number 80 of the year 1993, commonly referred to as *ley ochenta*, specifies the regulations of public contracting. Several attempts to reform this law have been made without success. The results obtained from the expert interviews concerning the legal situation are inconclusive, because the opinions on its quality are too different. While some observers claim that it is substantially better than the prior law (Nuncira [7], Molina [18]), others say that it is too complex (Sanginés [29]) and full of loopholes (Correa [17]) and that in practice it has not changed the situation, because those who want to apply corrupt methods are not stopped by it (Gómez Tobón [19]). Apart from the legal conditions, three other factors that have impacted public contracting over the time period of interest should be mentioned. First, transparency of public contracting has increased significantly due to the use of the internet in several issues (Suárez Beltrán [30], Botero [16])<sup>36</sup>, as well as the extensive implementation of so called Integrity Pacts initiated by Transparencia por Colombia<sup>37</sup>.

Second, a central register of public contractors (*Registro Único de Proponentes*) administrated by the Chamber of Commerce in Bogotá was created in 1992. While under the previous situation each public entity had its own register now this central register must be consulted for all matters of public contracting by all public entities. Private companies who have failed to comply with their contracts or who have

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<sup>36</sup> For instance, all public tendering procedures are published on a central web site ([www.contratos.gov.co](http://www.contratos.gov.co)). As this procedure was implemented in 2003 only, its effect on perceptions of corruption in 2004 is not likely to be of great significance.

<sup>37</sup> An anticorruption tool consisting of voluntarily signed agreements between contractors and a public entity in an event of public contracting to prevent corrupt practices ([www.transparency.org](http://www.transparency.org)). Transparencia por Colombia is world leader in the application of this instrument.

been convicted of corruption are blacklisted in the register and cannot then contract with public entities (Nuncira [7], Molina [18]). While this is certainly a powerful instrument, an assessment of its impact is difficult, because in many cases the problem with a public contract is that the corrupt part is not found in its execution or in the tendering process, but in the actual design of the contract. Entire projects can be invented (Nuncira [7]) or contract conditions can be specified in a way to make a certain company win the contract (Rodríguez [15]). It is extremely difficult if not impossible to impede this kind of problem with intelligently designed rules or instruments (Misas [12]). What appears to be true for the Colombian corruption problem in general can be validated in this case: the problem lies not within the rules but within their execution. And oftentimes even worse, the real problem is the creation of rules and conditions beneficial only for certain actors.

Summing up, it can be said that the perception of the private sector as an actor to be held accountable for corruption, as well as its own insight that corruption is detrimental have led to a change in attitude towards the issue. However, while efforts made to curb corruption have certainly been successful and the situation has improved in a certain degree, the more serious roots of the problem of grand corruption described in chapter III.1.1 appear not to be affected by this change.

## **2.8. Civil Society**

Making general statements on the role of civil society is quite difficult, because of the heterogeneity and quantity of different actors it comprises. The information obtained through the expert interviews allows conclusions on three major areas and their evolution.

First, the attitude of the Colombian society has changed. Towards the end of the first decade under the new constitution, civil society began to “awaken” (Rodríguez [15]). After several major corruption scandals, “the country hit rock bottom” (Ospina [20]) with the infamous *proceso ocho mil* in 1994 and civil society started to get more involved and show less tolerance towards corruption and more willingness to intervene (Cepeda [21]). The realization of the importance of corruption and its detrimental effects for everybody (Ungar [5], Velásquez/Esperanza 2003: 361) fostered a growing interest in the revelation of corruption scandals and an increase of denunciations with the media and control organs (Guerrero [9], Abueta [22]). Part of this changing attitude might be attributable to a

new generation of young people moving into leading positions within the Colombian society (Rodríguez [15], Coronell [24]).

Secondly, institutions and instruments of participation have improved. The institutional conditions laid out by the new constitution brought political participation of the civil society in public decision making as a new element offering a complex array of possibilities to do so.<sup>38</sup> While their impact cannot be discussed in detail, it is evident that they are being utilized and that they have proven to be effective. There are instruments like the *Veedurías Ciudadanas* (citizen oversight bodies) and *Audiencias Públicas* (public audiences) that allow the monitoring of public decisions and denouncing of misconduct. While these serve the civil society “for screaming”, because the reported misconduct needs to be sanctioned by official authorities, there are as well instruments “for killing”, like the process of *Pérdida de Investidura* (political death of a legislator) (Cepeda [21]). Instead of alerting public authorities about misconduct, a private person can accuse a legislator with public authorities for certain reasons, like an alleged conflict of interest for example. Within ten days a ruling has to be made and if convicted the legislator loses his mandate and cannot be reelected into Congress or run for President. This is certainly a very powerful instrument installed by the new constitution and a review of its impact shows that it is “a success story” (Cepeda 2005: 229): 42 legislators have lost their political rights in such processes initiated by private citizens.<sup>39</sup>

Third, interest groups have formed that deal with the topic of corruption. A social consensus against corruption developed in Colombia between 1992 and 1998 (Arteaga [28]). At about the same time the international public debate on the topic began to become more important. This international dynamic was taken up by Colombian leaders (academics and business people) and the topic was brought to public attention through the work of newly created, mainly non-governmental organizations (Ospina [20]). Most importantly, *Transparencia por Colombia*, a national chapter of Transparency International, was founded in 1998 and has since then done extensive work to combat and especially to prevent corruption.<sup>40</sup>

Concluding, a changing attitude in combination with effective instruments to combat corruption and organizations willing to do so certainly has altered the role of

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<sup>38</sup> For a detailed overview of participation instruments, see Velásquez/Esperanza 2003 and Misas 2005:173-177.

<sup>39</sup> For a detailed analysis of this instrument and of its application so far, see Cepeda 2004.

<sup>40</sup> For details on its activities, see the publications cited in the Bibliography as well as documents available on the website: [www.transparenciacolombia.org.co](http://www.transparenciacolombia.org.co).



civil society over the past decade. To a certain extent the institutional changes of the new constitution themselves already demonstrate the willingness of the Colombian people to attack the problem, because they are not likely to originate exclusively from external pressure (Barberena [26]). The readiness of people working in the judicial branch, watchdog agencies, or the media to accept personal risks is another indicator for a resolute disposition to affront the challenge (Arteaga [28], Gómez Pavajeau [10]). This increased social resistance against corruption also manifests in new political leaders (mayors and legislators) fighting for the common good (Misas 2005: 75) and in efforts to get rid of the old corrupt elite. Particularly, numerous high ranked leaders have been convicted for corruption and sent to jail. In the past decade, an impressive effort has been made to “fry big fish” (*freir peces gordos*): five National Comptrollers (*Contralores Generales de la Nación*), two National Prosecutors (*Procuradores Generales de la Nación*), and more than 30 Members of the National Congress have been processed for corruption cases and it can be asserted that leadership has improved (Ospina [20]).

These facts certainly prove the abovementioned sensitivity to the problem and a resolute will to attack it, but the core of the problem, *politiquería*, is not yet the center of criticism by the common citizen. Even though an increased awareness of the problem is evident, this does not yet translate into increased moral sanctions by the general public against political leaders applying practices of *politiquería* (Ospina [20], Coronell [24]). Another problem is that the State fails to offer safe possibilities of accusing corrupt individuals and to protect people willing to do so from violence (Cepeda [21]).

## **2.9. Mass Media**

A free and independent press is of supreme importance in the fight against corruption (Brunetti/Weder 2002: 42). As has been asserted for several other fields, the laws regulating this sector are not the real problem.<sup>41</sup> Four factors and their evolution are thought to be responsible for impeding the media from having a more positive impact on the problem of corruption.

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<sup>41</sup> For detailed information concerning the freedom of the press in Colombia, see. [www.flip.org.co](http://www.flip.org.co).

First, there has been a significant concentration process in media sources over the past five years (Huertas [23], Coronell [24], Gómez [25]).<sup>42</sup> This was caused by the economic crisis between 1998 and 2001, reducing money spent on advertisement by 40%. Additionally, in 1997 private TV channels were admitted and started seizing increasing parts of the remaining money spent on commercials, driving several public media enterprises out of business. At the end of this concentration process, the diversity of the Colombian media landscape has suffered significantly in all areas, television, radio, and print media. In addition, the media enterprises left are controlled by a few large conglomerates. This evolution clearly has detrimental consequences on the role the media coverage plays in the combat on corruption. Without diversity of the media the possibility of social control is losing ground (Coronell [24]). Furthermore, as parts of big conglomerates media companies can not disclose cases of corruption involving other companies owned by the same conglomerate (Huertas [23]). For instance, when Bavaria, Colombia's largest company, was involved in a major corruption scandal in Peru, there was virtually no coverage of the case in the Colombian press (Huertas [23], Coronell [24]).

Second, violence against journalists remains an unsolved and very serious problem. In 14 out of the last 17 years, Colombia was the country where the most journalists were killed in Latin America, with a rather sad record of a total of 116 journalists killed (Table 3).

And, as Table 3 indicates, there is no sign of improvement, even though the abovementioned concentration of media has left many without jobs. In Bogotá, 560 journalists lost their job in 2001 alone (Gómez 2002). The detrimental effects the continuous violence against members of the press has on the quality of investigative journalism are obvious. Fewer corruption scandals are revealed. Many journalists even leave the country (brain drain) either because their life is threatened or simply to work under safer conditions in other Latin American countries (Gómez [25], Coronell [24] – who himself has left the country due to threats in August 2005). Furthermore, disadvantageous working conditions force many Colombian journalists to take on second jobs (Vélez Venegas/Niño Carrillo 2004: 32).

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<sup>42</sup> For a detailed description, see Gómez 2002.

<b>Colombian Journalists Killed</b>	
<b>Year*</b>	<b>Number</b>
1988**	5
1989	10
1990	8
1991	12
1992	10
1993	7
1994	5
1995**	2
1996**	2
1997	4
1998	9
1999	3
2000	9
2001	9
2002	9
2003	7
2004	5

**Table 3.**

**Source:** [www.impunidad.com/statistics/stats\\_anoypais.htm](http://www.impunidad.com/statistics/stats_anoypais.htm)

\* refers to period between general assemblies of Sociedad Internacional de Prensa: generally from October to October of the next year

\*\* years where Colombia was not the country with most journalists killed in Latin America

Third, scandals revealed by the press do not always lead to a moral sanction of the guilty parties by the public. Public interest in matters of corruption has increased, along with the number of cases brought to the attention of the press, especially because of the new possibility of anonymous denunciations via internet (Abueta [22]). While these changes facilitate investigative journalism, the exposure of scandals does not always provoke consequences. For instance, Fernando Londoño stayed in office for two years as Minister of Justice after being accused and later convicted of a corruption scandal (Coronell [24]). Moreover, the personal risk journalists accept is often not appreciated and their murders are not perceived as a violation of the general public's right to information. Instead, a press critical of the government is often seen as a nuisance (Coronell [24], Gómez [25]).

Fourth, the coverage of corruption topics depends largely on the logic of the media. A case where a mayor's wife lost public money gambling in a casino made the national news, even though rather little money was lost. In contrast, corruption in the public health system is often not covered, because it is very common, "already

part of the scenery” (Huertas [23]) and therefore not considered news. As news coverage in most countries follows the same logic, this is not exactly a Colombian problem. However, it is quite severe considering the fact that in Colombia extremely large amounts of public money are lost on a constant basis in the same sectors: Health, *Regalías*, Pensions, and Public Contracting.

Again, problems are much more serious on the local level. Members of the local press are usually less qualified and at the same time much more exposed to violence (Abueta [22]). Most of the killed journalists were investigating cases of corruption in rural areas. Additionally, media enterprises in small towns are much more dependent on public money spent by the mayor on advertisement and can therefore even less afford to be critical (Huertas [23], Coronell [24]).

Summing up, it can be said that the quality of investigative journalism has improved in some ways, because it now also exposes private enterprises involved in scandals while before the focus was mainly on politicians (Coronell [24]). However, the factors analyzed certainly indicate a rather poor situation for the mass media and imply that over the past five years it has severely deteriorated. Colombian mass media is far from complying with its tasks in the war on corruption (Misas 2005: 128-9).

## IV. The Colombian Case

### 1. Summary of obtained results

#### 1.1. The core of the problem is evident

Even though there are still areas such as regional peculiarities or the correlation of violence and corruption that have not yet been investigated with great detail (Cepeda [21], Wills [31]),<sup>43</sup> the overall Colombian case has been subject to extensive studies: “Colombia is an over-diagnosed country” (Sintura [8]). It is common knowledge who the corrupt actors are, what social structures promote corruption, and in what areas public money is lost. This is certainly no surprise, because the factors found to be at the core of the problem can be expected to be well known. The significant presence of illegitimate actors and their violence in combination with drug money obviously lead to severe problems. And the social structures of *politiquería* are for the most part no Colombian peculiarity and their detrimental repercussions including corruption are therefore also well established. Finally, public contracting is a constant source for corruption in most countries. However, it appears noteworthy that extremely large amounts of money are lost on the local level in the areas of health, *regalías*, and pensions on a constant basis and with public knowledge. Regions of the country receiving large amounts of money in the form of *regalías* do not advance and in many cases their infrastructure deteriorates instead of improving. This obvious shortcoming renders it common knowledge that large sums of public money are being lost. According to Fernando Cepeda, in a single department (*Arauca*) more money has been stolen by politicians, paramilitary, and guerrilla groups just in the sector of *regalías* than what was spent on the entire Plan Colombia (Cepeda [21]). This has been a severe problem for a considerable period of time and the cases of the health system and public pensions are of similar dimensions. Even though the general public is well aware of the difficulties caused, the situation is deteriorating instead of improving. This indicates that in addition to the problem of grand corruption in form of *politiquería*, drug trade, and public contracting, the Colombian corruption problem is of systemic dimensions on the local level. So far the Colombian society has not been capable of solving either part of it.

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<sup>43</sup> A noteworthy exception is Mauricio Rubio (1999).

As for the general differentiation between petty and grand corruption, while being a serious issue, petty corruption is certainly not the problem. Rather, the real problem the country sees itself confronted with lies definitely in the complex structures of grand corruption rooted deeply in the Colombian society.

## 1.2. Regional differences

One of the most striking characteristics of the Colombian case lies in its regional differences. It is generally agreed that Bogotá and several other big cities are “a totally different case than rural areas” (Wills [31]). While Bogotá has improved constantly and significantly (Barberena [26]), the same can not be ascertained for the rest of the country. The circumstances of a conflict zone with a practical “absence of the State” (Arteaga [28]) can hardly be compared with other parts of the country. Nevertheless the common conclusion that “corruption has been decentralized” and the problem now is to be found mostly on the local level might well be too generalized and simplistic, because the severe cases of grand corruption happen in Congress and therefore in Bogotá (Carvajal [11]). While it is difficult to assess the exact level of the problem in all parts of the country, it is certainly correct to claim that there are regional differences severe enough to impede a generalized picture of the problem. This is even truer when taking into consideration differences between regions concerning behavior and culture, including the attitude towards corruption and the definition of what is considered corrupt. More specifically, a *costeño* (person living on the Caribbean Coast) is expected to have a less strict perspective of corruption than somebody from a more conservative catholic region (Gómez Pavajeau [10], Rodríguez [15], Barberena [26]). Similarly, regional differences can be observed in the costs private business people calculate for corruption. They are significantly higher in conflict zones, because *mordidas* (payments to paramilitary or guerrilla groups, literally “bites”) need to be included (Rodríguez [15], Confecámaras 2004: 36). Additionally, the Integrity Pillars discussed in the previous chapter show extreme differences between the central level and the periphery.

In conclusion, it appears unreasonable to think of the Colombian corruption problem as a homogeneous issue. Even though to a certain extent this is true for most (if not all) countries, regional differences concerning forms and levels of corruption appear to be far more distinctive in Colombia than usual.

### 1.3. Rules are not the problem

It was routinely agreed that the core of the problem is not to be found within the institutional setting. On the contrary, laws, rules, and institutions were generally deemed to be well designed, albeit with certain flaws. Yet, they are often not obeyed and those willing to make corrupt deals are not stopped by rules or institutions no matter how well designed they are. This is especially true as punishment in case of detection is unlikely (impunity). The more serious problem is the corruption of the process that creates the rules. Recent developments indicate that this factor is being taken into account. Unlike before, reforms now focus on increasing transparency and efficiency. These changes might help breaking the vicious circle<sup>44</sup> of corrupt practices and the creation of empty rules or inefficient transactions as measures to combat it (Arteaga [28], Suárez [30]).

### 1.4. Colombia – a case sui generis?

Several arguments were mentioned by the experts leading to the conclusion that the Colombian problem is quite different from most countries and may very well be a unique case.

First, the strong presence of illegitimate actors, extremely large amounts of drug money, and violence are all certainly significant factors particularly notable for their influence on society and culture. The combination of violence and corruption is a noteworthy peculiarity, illustrated by the so-called “law of metals: silver or lead” (*ley de metales: plato o plomo*). The bribee is offered the choices of accepting a bribe (*plata* – money, literally silver) or getting shot (*plomo* – lead). Furthermore, over the past decade, violence and structures of criminal groups producing “chains of corruption” (Cepeda 2000: 186) as an “apprenticeship from drug cartels” (Cepeda [21]) have significantly changed the structure of the problem. The consequence is that on a local level, money is now stolen on a constant basis, repeatedly in the same sectors, turning the problem more into a case of organized crime than of grand corruption (Cepeda [21]). The combination of factors makes the Colombian case rather special. Perhaps “the world could learn a lot from the

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<sup>44</sup> To curb corruption, new rules and transactions are introduced. They, in turn, lead to more corruption instead of preventing it (Krug 1997: 74-5).

Colombian case” (Jiménez [2]) about the interrelation between violence and corruption.

Secondly, while the Colombian case of *politiquería* is in many instances quite similar to its Latin American neighbors, there are important differences to be noted. As far as the political system is concerned, the weakness of political parties is not a very particular problem. However, while other Latin American countries like Ecuador, Venezuela, Peru, or Bolivia might have a similar problem with political parties, they have had longer periods of authoritarian rule as well as several revolutions where the people have overthrown government. In contrast, with the exception of a brief period of dictatorship, Colombia has had a democratic system throughout the twentieth century and never seen a revolution. This certainly has its advantages, because the Colombian society has a long culture of democracy and of safeguarding institutionalism (Ospina [20]), which could – in theory – be expected to have a positive impact on the level of corruption (Lambsdorff 2005b: 20-23). Yet it leads to a situation where elites stay in power over long periods of time, especially on the central level. A final evaluation of the impacts of this fact on the corruption level is difficult. It certainly aggravates problems of cronyism, because the longer elites are in power, the more connections and influence they gain. Since they do not have a limited time they can expect to be in power, unlike in other countries they do not need to steal as fast as they can (Misas [12]).

In combination with the illegitimate actors and the regional differences, this setting might well make Colombia a “case sui generis” (Cepeda 2000: 8). Using conventional anticorruption methods under these circumstances could be “like attacking a cancer with an aspirin”<sup>45</sup>. It also could be a reason why, in the eyes of some observers, recommended measures like convictions of people belonging to political and social elites has not shown the desired effects.

“How many big fish do you want us to fry? We have fried all the big fish you could ever want, it doesn’t help, because the problem is different: it is not corruption, it is organized crime” (Cepeda [21]).

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<sup>45</sup> Interview partner wishes not to be quoted.



## **2. Improvement?**

### **2.1. Results of the empirical study versus CPI scores**

One of the major goals of this project is an investigation of whether the level of corruption in Colombia has decreased as indicated by its scores in the CPI and the reasons for the change (Question III). As indicated, direct answers of the experts on this topic do not seem to be a reliable source to answer this question due to reasons explained in chapter II.2.3. Nevertheless, the information obtained allows the following conclusions.

First, there was unanimous agreement that significant improvement has been made in the case of petty corruption. With expanded opportunities for oversight and audits, and better rules and institutions, all mainly as a consequence of the new constitution, significant improvements have occurred. This is especially true for Bogotá and to some extent for other major cities (Medellín, Cali).

Second, the problem related to grand corruption seems to have shifted to forms more similar to organized crime on local levels, with problems arising more from the creation of the rules rather than corrupt actions under given rules (Misas [12]). The majority of experts agreed that in this matter the situation has either stayed the same or deteriorated. Efforts to curb corruption might have had some impact in cases of grand corruption on a local level where mayors are now being convicted for blatant cases that previously went unpunished. In higher levels of the society, corruption involving elites seems to have become more sophisticated and might therefore be less notable without having diminished (Misas [12], Coronell [24], Grabendorff [36]). As mentioned in several instances, various reforms have been implemented over the past few years that might have a positive impact in the future.

The distinct result of a clear and constant improvement of Colombia's corruption problem as indicated by the CPI cannot therefore be confirmed with equal distinctiveness by the findings of this project. The total number of corruption cases has certainly decreased due to improvements in addressing petty corruption. Yet, the total damage to Colombia and its people in the form of lost public money caused by corruption might well have increased due to the evolution of grand cor-

ruption. Under these circumstances, a clear cut answer to Question III cannot be given.

Apart from the literature that has been quoted, there is considerable research in the form of surveys, ratings, and rankings dealing in part with perceptions to evaluate the level of corruption and its evolution (see DNP 2004 and Delgado 2005:51 for an overview). They are not taken into further consideration for two reasons. First, they all represent isolated attempts, which makes it impossible to compare them, because their results vary greatly and are in parts even contradictory. Second, in most cases the general public is questioned and results are therefore likely to differ from expert opinions (Razafindrakoto/Roubaud 2005).

## **2.2. Reasons for different results**

Several factors might be causing a difference between the clear trend indicated by the CPI and the findings of this project.

First, while President Ernesto Samper's public image was seriously damaged by the corruption scandal during his campaign, the following presidents – Andrés Pastrana (1998-2002) and Alvaro Uribe (since 2002) have a public image of being honest, uncorrupt leaders (Botero [16], Barberena [26]). After Pastrana's election, "all indices for Colombia went up" (Misas [12]). Most of the questioned experts believed that to a certain degree this impacted the CPI scores of Colombia.

Second, other problems have improved. As mentioned, problems of kidnapping have diminished quite significantly. A few years ago nobody would leave the cities in private cars, because the risk of getting kidnapped was too high. Even though this problem is certainly not solved – kidnappings still are a problem – the situation has improved. People can drive rather safely throughout large parts of the country, but have to take into consideration that there are still dangerous parts, and obviously conflict zones have to be avoided. Improvement of this rather severe problem can also be expected to have some positive impact on rankings of corruption, because the situation seems safer and more under control in general now (Zuleta [1], Suárez [6]).

Third, the problem has changed and in some ways shifted. The CPI reflects perceptions of business people and analysts.<sup>46</sup> While they are certainly directly con-

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<sup>46</sup> For information on the calculation of the CPI, see [www.icgg.org/corruption.cpi\\_2004.html](http://www.icgg.org/corruption.cpi_2004.html).

fronted with petty corruption, they may be less involved in cases of grand corruption. Significant advances have been made in areas that affect them more directly and in the areas where they are located in their majority, above all Bogotá. In contrast, part of the corruption problem seems to have shifted to the local level where businesses are hardly present, to areas that affect them less (Health, *Regalías*, Pensions) and to areas with less of a media presence (chapter III.2.9). This altered corruption problem might very well lead to a more positive evaluation by the group considered in surveys used to calculate the CPI. Additionally, the problem of grand corruption on the central level seems to have become more sophisticated and therefore less obvious.

Fourth, the analysis of this project is rather complex and detailed, making a simple and clear cut statement on improvement or deterioration in corruption issues quite difficult. While the CPI does not differentiate between grand and petty corruption (Lambsdorff 1999: 188), this difference turned out to play a major role in this analysis. It is hardly possible to summarize a finding of an improved situation in matters of petty corruption with a possibly deteriorated situation of grand corruption in a single statement. This is even more the case when taking into consideration that regional differences have shown to be of supreme importance.

These factors do not imply an inaccurate evaluation by business people and analysts who can certainly be expected to be well aware of the problem, especially since in considerable part it is conceived to be of common knowledge. They could, however, be seen as possible causes for an evaluation different from the results obtained in this project. Varying opinions throughout the conducted interviews have indicated that, especially as far as assessments of the evolution of the problem is concerned, personal background and area of expertise seem to be rather decisive factors. A more homogeneous group with rather different perspectives might therefore well be a possible cause for the different result.

### **3. Recommendations**

This project and the chosen methodology have proved to be an effective approach for obtaining a more detailed understanding of the Colombian problem of corruption. While its results certainly do not allow precise and detailed evaluations of specific issues, the general structures, factors, and their evolution could be identified quite efficiently. The methodology of expert interviews seems an adequate

choice to get a better understanding of trends indicated by the CPI or other macro indicators and to identify key issues as a first step of in-depth country diagnostics. As a recommendation, the rather general results of first country specific approaches should be followed by more specific studies of the identified key factors, key sectors, and their trends. At present, the great majority of data and information available on corruption consists of quantitative studies. It appears that the war on corruption could certainly benefit from qualitative approaches like this one, especially if they are intensified and backed up by more detailed research.

For the Colombian case, it appears that a more thorough analysis of the involved actors and of the structures of this altered phenomenon is needed. Research on the problem at the local level and on its correlation with violence is needed with special attention on the identified problem sectors (Health, *Regalías*, Pensions, and Public Procurement) (Wills [31]). Specific knowledge of this kind seems more appropriate and useful than further detailed attempts to evaluate improvement or deterioration (Misas [12]). Initiatives using expert interviews to get in-depth knowledge on more specific problems are being undertaken (Misas 2005: 99). Additionally, as the field of interest grows for follow-up projects that are defined more specifically and have more homogeneous expert groups, most of the technical problems experienced in this project could be avoided. Carefully constructed expert interviews could be a useful instrument in the next step of this undertaking. They offer an efficient way of identifying the most important aspects of the newly defined and more specific problem.

## ATTACHMENT A: LIST OF INTERVIEW SUBJECTS

1. Executive Branch					
Name	Position	Program	Institution	Date, Location*	Further Experience**
[1] Zuleta González, Maria Margarita	Director	Presidential Anticorruption Program	Presidencia de la Republica	07/05/2005 Cra. 8 No. 7-27	Vice Minister of Justice; Lawyer
[2] Jiménez, Vladímir	Aide	Presidential Anticorruption Program	Presidencia de la Republica	07/05/2005 Cra. 8 No. 7-27	
[3] Azuero Zúñiga, Francisco	Professor	Faculty of Administration	Universidad de los Andes	07/08/2005 Cra. 1A No. 18A-70	Director of Fondo de Garantías de Instituciones Financieras; Vice Minister of Hacienda y Crédito Público

2. Legislative Branch					
Name	Position	Program	Institution	Date, Location*	Further Experience**
[4] Merchán Álvarez, Rafael	Executive Director		Instituto de Ciencia Política	07/06/2005 Cra. 11 No. 86-32	
[5] Ungar Bleier, Elisabeth	Professor	Political Science Department	Universidad de los Andes	07/21/2005 Cra 1E No.18A-10	Director of the academic project Observatorio Legislativo Congreso Visible

3. Judicial Branch					
Name	Position	Program	Institution	Date, Location*	Further Experience**
[6] Suárez, Luis Arturo	Professor	Faculty of Law	Universidad Nacional	06/23/2005 Cra. 30 No. 45	Judge and Magistrate at Tribunal Superior de Bogotá; Lawyer
[7] Nuncira Gómez, César Augusto	State Attorney	5 <sup>th</sup> National Anticorruption Unit	Fiscalía General de la Nación	06/28/2005 Cra. 13 No. 73-50	10 years of service at Fiscalía General de la Nación
[8] Sintura Varela, Francisco José	Professor	Faculty of Law	Universidad del Rosario	07/05/2005 Cra. 11B No. 96-17	Vicéfiscal General de la Nación; Lawyer; National and International Consultant

<b>4. Watchdog Agencies</b>					
<b>Name</b>	<b>Position</b>	<b>Program</b>	<b>Institution</b>	<b>Date, Location*</b>	<b>Further Experience**</b>
[9] Guerrero Peralta, Óscar Julián	Aide of National Prosecutor		Procuraduría General de la Nación	07/01/2005 5Cra. 5 No. 15-80	
[10] Gómez Pavajeau, Carlos Arturo	National Vice Prosecutor		Procuraduría General de la Nación	07/01/2005 Cra. 5 No. 15-80	Judge, State Attorney (20 years); University Professor (15 years)
[11] Carvajal, Luis	Aide	Office of Comptroller General of the Nation	Contraloría General de la Nación	07/07/2005 Cra. 10 No. 17-18	Aide of Ministerios de Hacienda, Ambiente, and Comercio Exterior (more than 10 years)
[12] Misas Arango, Gabriel	Professor	Faculty of Economics	Universidad Nacional	07/15/2005 Cra. 30 No.45	Published a book on corruption in Colombia in May 2005 sponsored by Contraloría General de la Nación

<b>5. Civil Service</b>					
<b>Name</b>	<b>Position</b>	<b>Program</b>	<b>Institution</b>	<b>Date, Location*</b>	<b>Further Experience**</b>
[13] Artega Mazorra, Jaime Andrés	Director	Internal Control and Rationalization of Transactions	Departamento Administrativo de la Función Pública	07/21/2005 Cra. 6 No. 12-62	17 years of service in the public sector
[14] Jiménez Jaramillo, Claudia Elena				07/27/2005 Cl. 16A Sur No. 48-89, Medellín	Director of Programa Presidencial para la Reforma de la Administración Pública (P.R.A.P.)

<b>6. Private Sector</b>					
<b>Name</b>	<b>Position</b>	<b>Program</b>	<b>Institution</b>	<b>Date, Location*</b>	<b>Further Experience**</b>
[15] Rodríguez Sanders, Harvey	Coordinator of Social Programs	Probidad: Fight Against Corruption of Entrepreneurs Doing Business with the Public Sector	Confederación Colombiana de Cámaras de Comercio	06/21/2005 Cra. 13 No. 27-47	
[16] Botero Nieto, Guillermo	National President		Federación Nacional de Comerciantes (FENALCO)	06/27/2005 Cra 4 No. 19-85	Lawyer; CEO of a private sector company (10 years)
[17] Correa, Ricardo	Secretary General		Asociación Nacional de Industriales (ANDI)	07/11/2005 Cl. 70A No. 6-49	9 years in present position; prior experience in public sector
[18] Molina Rodríguez, Mauricio	Director	Department of Business Development	Cámara de Comercio de Bogotá	07/13/2005 Cl 26 No. 68D-35	18 years of experience in design, development and direction of private sector development programs
[19] Gómez Tobón, Luis Arturo	Professor	Faculty of Engineering and Architecture	Universidad Nacional de Colombia at Manizales	07/16/2005 Telephone interview	Engineer (self-employed) with over 30 years of experience in public contracting

<b>7. Civil Society</b>					
<b>Name</b>	<b>Position</b>	<b>Program</b>	<b>Institution</b>	<b>Date, Location*</b>	<b>Further Experience**</b>
[20] Ospina Robledo, Rosa Inés	Executive Director		Transparencia por Colombia	08/16/2005 Cl. 92 No. 16-30	Vice president Transparency International
[21] Cepeda Ulloa, Fernando	Professor		Universidad de los Andes	08/18/2005 Cl. 69A No.7	Author of several books on the topic

<b>8. Mass Media</b>					
<b>Name</b>	<b>Position</b>	<b>Program</b>	<b>Institution</b>	<b>Date, Location*</b>	<b>Further Experience**</b>
[22] Abueta, Harolw	Journalist	Investigative Unit	Revista Cambio	06/27/2005 Cra. 7 No. 26-20	
[23] Huertas, Carlos Eduardo	Journalist	Investigative Unit	Revista SEMANA	07/08/2005 Carulla Gourmet, Cl. 70 con Cra. 10	
[24] Coronell, Daniel	Director	Noticias Uno	NTC Televisión	07/24/2005 Cl. 26 No. 84A-55	18 years of journalism; left the country due to threats in August 2005
[25] Gómez, Ignacio	Director Investigative Unit	Noticias Uno	NTC Televisión	07/24/2005 Cl. 26 No. 84A-55	Activist (about 20 years) promoting freedom of the press; Executive Director of Fundación Libertad para la Prensa (FLIP); has exposed several scandals and been subject to threats forcing him to leave the country twice

<b>9. International Agencies</b>					
<b>Name</b>	<b>Position</b>	<b>Program</b>	<b>Institution</b>	<b>Date, Location*</b>	<b>Further Experience**</b>
[26] Barberena, Viviana	Coordinator	Prodespaz: Acceptance of the State, Transparency, Accountability, Participation	Gesellschaft für Technische Zusammenarbeit (GTZ)	06/27/2005 Cl. 26 No. 13-19	
[27] Anonymous				06/28/2005	
[28] Arteaga, Jaime	Executive Director	Anticorruption Program	United States Agency for International Development (USAID)	06/30/2005 Cl. 92 No. 16-30	Previous employment at Confederación Colombiana de Cámaras de Comercio and Center for Social Responsibility
[29] Sanginés, Mario	Senior Specialist	Public Sector Group LCSPS	World Bank	07/06/2005 Cra. 7 No. 71-21	



**10. Special Topics**

<b>Name</b>	<b>Position</b>	<b>Program</b>	<b>Institution</b>	<b>Date, Location*</b>	<b>Further Experience**</b>
[30] Suárez Beltrán, Gonzalo (Public Contracting)	Executive	Public Contracting Project B.I.R.F	Departamento Nacional de Planeación (DNP)	06/24/2005 Cl. 26 No. 13-19	Lawyer; Executive Secretary of Ministerio del Interior (in charge of public contracting), Vice minister of Justice, Consultant Public Contracting Project (World Bank)
[31] Wills Herrera, Eduardo (Decentralization)	Professor	Center for Interdisciplinary Regional Studies (CIDER)	Universidad de los Andes	06/30/2005 Cra 1E No.18A-10	Director of Plan Nacional de Rehabilitación; Director of Misión para la Moralización y la Eficiencia en el Sector Público
[32] Huertas, Oliverio (Conflict Zones)	Economist	Índice de Inegridad de las Entidades Públicas	Transparencia por Colombia	07/15/2005	
[33] Anonymous (Drug Trade)	Farmer (cocaine plants)			08/07/2005 Santa Marta	18 years as cocaine farmer

<b>11. Other</b>					
<b>Name</b>	<b>Position</b>	<b>Program</b>	<b>Institution</b>	<b>Date, Location*</b>	<b>Further Experience**</b>
[34] Rozo, Marcela	Coordinator	Public Sector Projects	Transparencia por Colombia	Several occasions	More than 10 years working with the public sector (decentralization, community participation, rural development); 6 years of anticorruption
[35] Durán, Angélica	Graduate Student	Latin American and Caribbean Studies	University of New York	Several occasions	Has conducted about 20 interviews with Colombian experts on corruption in the course of research for her Master's Thesis
[36] Grabendorff Wolf	Director		Fundación Friedrich Ebert-Colombia (FESOL)	Email contact	Author of several books on Latin American Politics

\* Unless otherwise noted, all interviews have been conducted by the author in Bogotá.

\*\* Refers to previous work or academic experience the interview subject has had or other positions he might be holding at present qualifying him as an expert. Information depends on his willingness to share personal details.

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