

# **Effectiveness of International Anticorruption Conventions on Domestic Policy Changes in Latin America**

**Florencia Guerzovich**

---

**Latin America Program**



## Table of Contents

Executive Summary .....	8
List of Abbreviations .....	11
Chapter 1: Introduction .....	12
I. Presentation .....	12
II. Key questions .....	13
III. The theory of change .....	14
IV. The structure of the study .....	14
Chapter 2: A Political Economy Approach for Evaluating Effectiveness .....	16
I. Why political economy? .....	16
II. Key Concepts .....	16
III. Activities .....	18
IV. Limits of the approach .....	18
V. Considering alternative evaluation approaches .....	19
Chapter 3: Anticorruption Advocacy in Latin America: What Are the Options? .....	20
I. Conventions are here to stay .....	20
II. Context matters .....	20
III. The IACC or the rest .....	21
IV. The IACC as a means to shape global anticorruption? .....	22
V. The more the merrier? .....	23
Chapter 4: Anticorruption and Open Society Values in the Americas .....	24
I. What drives anticorruption constituencies and institutions? .....	24
II. Anticorruption in the Inter-American system .....	24
III. Parallel societal debates .....	25
IV. Linking the state and non-state worlds .....	27
V. New efforts and challenges .....	27
Chapter 5: TI-LAC's Conventions Program and MESICIC's Institutional Development .....	30
I. What do effective anticorruption PRMs look like? .....	30
II. The evolution of the Inter-American anticorruption system since 1996 .....	30
III. TI-LAC Conventions Program's influence .....	31
IV. Rethinking PRM advocacy .....	32
Chapter 6: Using International Conventions to Bring about Domestic Change .....	37
I. Societal accountability, international anticorruption conventions, and policy-making .....	37
II. TI-LAC's Conventions Program: navigating two worlds .....	37

III. The target of OSF-LAP/TI-LAC’s partnership .....	38
IV. TI-LAC’s Convention Program as a means to build chapters’ capabilities.....	39
V. Well-intentioned advocacy efforts can be costly .....	45
VI. Looking forward into the policy world .....	47
Chapter 7: Learning about Influence, Effectiveness, and Impact .....	50
I. General goals of the program .....	50
II. Capacity building regarding Conventions and the anticorruption agenda more generally .....	51
III. The value and role of the linkage with the OAS in Washington .....	52
IV. Supporting local initiatives.....	53
V. Exchanges among national chapters.....	53
VI. National coalitions and transnational networks .....	53
VII. Report cards, diagnostics, indicators, and traffic lights .....	54
VIII. The engagement of civil society organizations in MESICIC .....	54
Bibliographical References .....	59
About the Author.....	65

**Figures**

Figure 1: A theory of change: Sources and dynamics of effective and sustainable anticorruption policy-making .....	14
Figure 2: UNCAC signature and ratification status as of May 1, 2011 .....	20
Figure 3: Chapters’ perceptions: what explains advocacy successes and failures .....	42
Figure 4: The How-to pathway .....	42
Figure 5: Chapter’s perceptions: The benefits of MESICIC .....	48
Figure 6: TI Chapters’ tactical toolkit to promote the implementation of the IACC.....	49
Figure 7: Anticorruption advocacy in Latin America over the decades .....	51

**Boxes**

Box 1: Anticorruption PRMs - A primer .....	13
Box 2: Setting realistic goals and holding CSOs accountable.....	17
Box 3: FOI, anticorruption, and human rights in LAC .....	27
Box 4: Trade-offs in the regional strategy .....	35
Box 5: The limits of communication tactics.....	36
Box 6: Open societies and advocates' strategic choices.....	40
Box 7: What does advocacy mean for TI chapters?.....	40
Box 8: Framing “conventions” programming and broadening the societal accountability tactics.....	48

**Tables**

Table 1: Key ideational underpinnings of international anticorruption efforts .....24

Table 2: Timetable of the development of the Inter-American Anticorruption system.....26

Table 3: Determinants of PRM’s effectiveness .....30

Table 4: Determinants MESICIC’s effectiveness, over time .....33

Table 5: Strategic approaches .....37

Table 6: Contextual changes.....39

Table 7: Selected aspects of the policy-making accountability system, access to information .....43

Table 8: Selected aspects of the conflicts of interests control system, financial disclosure forms .....44

### About the Latin America Program

A strategic priority for the Open Society Foundations' Latin America Program is to motivate governments to become more accountable and to adhere to international standards relating to transparency and access to public information. Since 2004, the Program has worked to consolidate the position of civil society organizations in the Inter-American System as interlocutors able to support the implementation of the Inter-American Convention against Corruption, as well as to participate in its peer review mechanism (MESICIC). In doing so, the Latin America Program anticipated that accountability constituencies and civil society groups would use these international standards and obligations to advocate for anticorruption policies in domestic systems, and that this advocacy would contribute to national-level policy changes. In 2011, the Latin America Program commissioned the following analysis by political science scholar Florencia Guerzovich to test these aforementioned strategic assumptions.

**Vonda Brown**  
**Washington, D.C., December 2011**

### Author's Acknowledgements

I am grateful to Vonda Brown (OSF-LAP), Alejandro Salas (TI-LAC), Marta Erquicia (TI-LAC), and Ximena Salazar (TI-LAC) for their support and input throughout the preparation of this document. Valuable comments and suggestions were also received from Maria Poli, Agustina Giraudy, Roberto de Michele, Sebastian Pereyra, and Salvador Vazquez del Mercado.

I conducted fieldwork in Berlin, Guatemala City, Barranquilla, Bogota, Lima, and Mexico DF. Special thanks go to Manfredo Marroquin, David Gaitan, and Gabriela Ayerdi from Accion Ciudadana; Elizabeth Ungar, Marcela Restrepo, and Maria Angelica Sanchez Herrera from Transparencia por Colombia; Marcela Huaita and Samuel Rotta from Proetica, and Eduardo Bohorquez, Deniz Devrim, and Vania Montalvo from Transparencia Mexicana for their help. I am also indebted to Daniela Montano (OSF-LAP) for her work. I am also grateful to the many stakeholders consulted for this study, whose names are included at the end.

Mercedes Sidders and Florencia Rieiro provided superb research support. Many thanks to Yanina Guerzovich who provided insights to communicate complex information in a user-friendly manner and designed the graphs that do so throughout the document. Jennie Gottschalk patiently edited this study.

**Florencia Guerzovich**  
**Buenos Aires, December 2011**

## Forward: Transparency International

In the mid-1990s, in the wake of corruption scandals at the highest levels, particularly in Latin America, the governments of the Americas took the lead on the world stage by creating the first convention to address this issue. The Inter-American Convention against Corruption became an international milestone.

This international treaty meant that the region as a whole could rely on a common agenda to buttress its anti-corruption efforts, while States pledged to carry out needed reforms. As a forum for dialogue and mutual support between countries in the context of the Organization of American States, it has fostered collaboration on critical issues such as extradition and cross-border bribery.

Transparency International immediately perceived the opportunities inherent to such a convention and set out to influence the process from the moment it was conceived and drafted. Subsequently, concerned that this effort might remain at the level of good intentions expressed in the signing of a document rather than lead to specific actions, we joined with other civil society organizations to advocate for the establishment of a mechanism to monitor compliance with the convention as a means of holding countries accountable for progress in its implementation. From the outset, we insisted that this mechanism would be more effective if civil society were actively involved in it. In this way, an important forum for technical dialogue between governments and social stakeholders was created.

We have forged close ties with the OAS beginning with the earliest activities of the monitoring mechanism for the Inter-American Convention and, owing primarily to the support of the Open Society Foundations (OSF), we have been active on several fronts.

We have furnished government evaluators responsible for monitoring compliance of the Convention with independent information offering a broader view of the situation, which they can use to issue a more knowledgeable opinion. We have designed tools to measure progress, or the lack thereof, in specific areas covered under the Convention (such as public contracting systems). We have been ambassadors on behalf of the very existence of such a convention and we have continuously advocated in favor of strengthening the monitoring mechanism.

On the domestic plane, our national chapters—along with other civil society organizations working with us on this issue—have used the Convention as an entree for technical dialogue with the authorities and as a frame of reference for advocacy and pressure for change. At the same time, working with the conventions has strengthened these organizations' internal capacity and ability to form partnerships.

Regional and national efforts have progressed at different paces and with varying degrees of success depending on the technical complexity of the issue, the willingness—or lack thereof—of governments to bring about needed changes and adjustments, the resources available, and the agendas and interests of our national chapters and other civil society organizations. During this period, we also have evaluated specific activities, conducted comparative studies, and generally created opportunities for reflection and discussion of these issues.

Transparency International welcomes the new evaluation commissioned by the Open Society Foundations (OSF) since it is much broader in scope. It looks beyond the effectiveness of Transparency International's program to engage the debate over the effectiveness of convention-driven efforts to combat corruption and the role of civil society in that work.

Conventions have been a priority on Transparency International's agenda for the past fifteen years. Our new strategy, TI-2015, renews our mandate to continue supporting international treaties as a means of working with

public sectors to strengthen governance and ultimately move towards more just and equitable societies. The OSF evaluation comes to us, therefore, at a very propitious moment.

As we renew our mandate, we must also revisit the underlying assumptions for our efforts, envisage new strategies and focuses and reaffirm them nationally and regionally, learn from the past, and adapt to the present.

**Alejandro Salas**  
**Regional Director for the Americas**  
**Transparency International**  
**Berlin, December 2011**

## Executive Summary

This study evaluates the effectiveness of Transparency International Latin America and Caribbean Department (TI-LAC) Conventions Program's strategy. This strategy tries to generate a dynamic stimulus for the effective implementation of the Inter-American Convention against Corruption (IACC) and the United Nations' Convention against Corruption (UNCAC) in the Americas. Over the last five years, the Program has mainly worked to consolidate civil society organizations' position in the Inter-American System as an interlocutor able to support the implementation of the IACC and participate in its peer review mechanism (MESICIC). More recently, the Program has supported selected national-level advocacy activities that could have greater impact at the national level.

TI-LAC's Conventions' Program has received funding from the Open Society Foundations' Latin America Program (OSF-LAP) since 2004. In the last five years, it has invested approximately \$686,000. The notion underlying OSF-LAP's support has been that international anticorruption conventions and peer review mechanisms are important elements of a transnational anti-corruption strategy that can empower national-level accountability constituencies/civil society groups and, in so doing, activate anticorruption policies in domestic systems. Anticorruption institutions and advocacy, in turn, are concrete ways to promote open society values.

This study tests TI-LAC and OSF-LAP's current assumptions and reexamines existing strategies to promote the implementation of international anticorruption agreements. It answers the following six questions: a) To what extent has the IACC played a role in setting the agenda and promoting anti-corruption standards that further respect for human rights in Latin America?; b) To what extent have monitoring efforts of IACC implementation been more productive than civil society monitoring efforts at guiding and supporting accountability, transparency, and anti-corruption work at country level?; c) Under which conditions have TI chapters and other civil society organizations used the IACC and MESICIC effectively to shape policy decisions?; d) Why and how do MESICIC's rules and procedures improve in ways that facilitate the implementation of the anti-corruption agenda at country level?; e) To what extent do other multi-lateral organizations (UN, OECD, World Trade Organization, etc.) provide more productive forums or mechanisms than the OAS to facilitate the implementation of an anti-corruption agenda at country level in the region that furthers respect for human rights? Why?; f) Given limited resources, does the current strategy of work with the OAS through TI have the potential to promote an anti-corruption agenda that furthers respect for human rights and its underlying conditions? In answering these questions, the evaluation also explores the limits and/or untapped opportunities of working to influence change through engagement with international anticorruption instruments and Latin American civil society. The evaluation uses data from in-depth desk analysis and consultations with more 90 stakeholders, including fieldwork in Guatemala, Colombia, Peru, and Mexico.

**A key finding of this research is that working through anticorruption conventions will not be an option, but a structural given in the foreseeable future.** Most countries, including all Latin American ones, have voluntarily signed these conventions and monitored compliance with a broad set of specific anticorruption policies and systems. Consultations with more than 90 stakeholders in the region have shown that conventions have become a shared substantive roadmap for state and non-state actors in this field. These international instruments have greater stability than most national-level advocacy projects, which are born with short-term expiration dates. As a consequence, the returns on conventions' investments are much more stable than the return of most national constituencies' projects are on their own. In supporting TI-LAC's Program since 2004, OSF-LAP helped push the frontier of anticorruption work. International development partners increasingly consider these instruments in their strategies and programming.

Furthermore, we found that, existing intergovernmental monitoring mechanisms promote ongoing dialogue, systematic production, exchanges, or dissemination and evaluation of information among states. For open society advocates, it is crucial to engage these intergovernmental institutions as active and constructive interlocutors. By producing and presenting, on an ongoing basis, shadow technical questionnaires on compliance with the Inter-



American Convention against Corruption at country level, TI-LAC's Conventions Program adds different viewpoints to these transnational anticorruption decision-making processes.

**Data shows that the Inter-American process has more advantages for anticorruption advocates in the region than other international instruments.** For instance, it has provided a number of intangibles which contribute to national-level advocacy, such as institutional workspaces and contact with home public officials as well as technical capabilities to engage these officials. Another advantage of the IACC system is that its normative drivers are consistent with OSF-LAP's broader mission. Since the 1990s, the Inter-American anticorruption system has built on and contributed to efforts to further stronger democratic institutions, counter-majoritarian concerns, and the public interest in ways that other international anticorruption processes have not. Its key standards (e.g., institutions to promote civil society participation in public decision-making, horizontal accountability, or public officials' integrity) have been associated with the deep transformation of authoritarian states, rather than with the punishment of individuals. Many advocates and experts across the region perceive these preventive anticorruption standards as inherently linked to and a "natural" consequence of the demand to protect human rights.

Still another plus is that, over the years, and thanks to the Program's ongoing constructive participation in MESICIC, state-society relations in the anticorruption area have improved. Many state representatives have learned to conceive of civil society organizations as valuable and credible partners, even if they do not always agree on specifics. MESICIC's rules on civil society participation have also contributed to the overall increase of the openness and transparency of the Inter-American anticorruption system over time. These rules on civil society participation are not ideal, but they are well known and stable (as opposed to systems in which access is granted discretionally). These achievements are not matched in similar international anticorruption peer review mechanisms or most, if not all, Latin American national anticorruption policy-making accountability systems.

**We also found that conventions are relatively more effective than national monitoring projects or alternative societal approaches as inputs to activate domestic anticorruption policies.** Examples include the process that led to and followed the landmark Claude Reyes decision by the Inter-American Court of Human Rights. This process explicitly linked human rights and anticorruption advocacy, the IACC's provisions on civil society participation, and MESICIC's access to information recommendations. MESICIC has also contributed to improving integrity policies and policy-making accountability mechanisms across the region. International conventions and their peer review mechanisms have been effective when accountability constituencies, including but not limited to civil society groups, connected national and international processes. Pro-reform stakeholders within the state apparatus have been the main users of international instruments.

**While conventions are relatively effective, a key obstacle for TI-LAC's Conventions programming has been that, bringing about policy change is not the driving force of most TI chapters' programming.** TI chapters' advocacy playbook still tries to use short, sharp activities and a narrow set of tactics that produce tools, indicators, and diagnostics. These tactics may have worked for the 1990s to set standards but no longer fit the anticorruption environment in the region. They are not well suited to engage international anticorruption conventions or to bring about policy changes. As a consequence, TI-LAC's Conventions Program's positive result indicators (e.g., increasing the technical quality of chapters' inputs to MESICIC) fail to capture what local partners have accomplished on the ground.

**An extra problem is that TI chapters' advocacy tactics are many times ill suited to achieve policy ends.** Research in four countries showed that advocates' continued reliance on media coverage, scandals, and deinstitutionalized access to high-level decision makers has pitfalls. It seems to have reinforced the notion that anticorruption is about the punishment of individual cases and associated with manipulations, instead of associating anticorruption with all the measures included in a convention that could help increase the quality of a country's democracy and rule of law. As a consequence, TI chapters' well-intentioned interventions sometimes hinder, rather than help, the implementation of anticorruption policies that are consistent with open society values.

In short, **TI-LAC's Conventions Program and the Inter-American anticorruption system are a readily available anchor to protect and advance the implementation of a preventive agenda that improves democratic quality in the region.** For advocates, in particular, the 2010s pose a challenge: capitalize the past, and set public policy provisions included in international conventions as the main thread of strategies, programming, projects, and evaluations. It should be underscored that selected stakeholders within the TI movement seem to be already taking steps in this direction. To move forward, more stakeholders within the anticorruption movement would have to own this alternative approach.

**Looking to the future, the evaluation reveals a number of lessons for TI-LAC's Conventions Program.** First, international conventions and the recommendations of peer review mechanisms cannot be framed solely as a set of abstract general principles. These international instruments set a detailed programmatic agenda. Thinking in terms of policy-making accountability, conflicts of interests controls or procurement systems can facilitate improvements one rule, institutional mechanism, or policy at a time. It can also help to mainstream international conventions into governmental and non-governmental organizations' portfolios. The future calls for substantive operational deepening of programming, much more than for superficial linkages between anticorruption and other issue areas.

Second, anticorruption constituencies should also make important strategic and tactical changes both to be effective and to sustain their credibility. New diagnostics, indicators, monitoring projects, and communication tools should not be pursued as ends in themselves. Stakeholders should take advantage of multiple existing diagnostics, inside and outside the TI movement. Conversely, a broader range of social accountability tactics are necessary to engage and deeply transform authoritarian practices into more democratic ones. This means that TI staff members, like other advocates, will need to acquire capabilities to evaluate not only what to do or why to do it, but also when and how a given approach or project might work in light of the specific political and institutional landscape which they are trying to transform. Politically savvy, constructive policy engagement requires more, not less, technically capable advocacy ranks. Future regional programming should contribute to the development of these capabilities.

Third, the political capital and influence that comes along with formal and informal coalitions is a necessary, not sufficient, condition to promote sustainable anticorruption policy reforms. Hence it should remain a programming goal. A number of non-governmental organizations which are part of the open society movement, as well as professional organizations and academics, have valuable resources for anticorruption policy-making. They should have incentives to contribute to this agenda or at least to contribute to international conventions' follow-up processes.

Four, new individual funding of local initiatives absent substantial changes to national non-governmental organizations' advocacy models is likely to reproduce the status quo. That is, it is unlikely to encourage advocacy organizations' institutional growth and effectiveness. As in the past, ongoing, quality regional leadership, coordination, and management can be instrumental in helping to bring about positive changes. Medium-term evaluations that, such as this one, focus on effectiveness rather than short-term results can also be powerful communication tools and help focus strategic planning.

Finally, coalition building and other capacity-building efforts are unlikely to deliver and last unless OSF-LAP and other donors share information and set incentives in a more coordinated manner, in the spirit of the Paris Declaration on Aid Effectiveness. For policy change to come about, working to bring about greater levels of programmatic coherence with other international cooperation agencies and foundations seems more crucial than increasing a program's level of funding.

## List of Abbreviations

CICS	Conflicts of Interests Control System
CSO	Civil Society Organization
GRECO	Group of States Against Corruption
IACC	Inter-American Convention Against Corruption
IADB	Inter-American Development Bank
IACHR	Inter-American Court of Human Rights
MESICIC	Follow-Up Mechanism for the Implementation of the Inter-American Convention against Corruption
NGO	Non-governmental organization
OAS	Organization of American States
OECD	Organization for Economic Cooperation and Development
OSF-LAP	Open Society Foundations' Latin America Program
PMAS	Policy-Making Accountability System
PRM	Peer Review Mechanism
TI	Transparency International
TI-LAC	Transparency International's Latin America and Caribbean Department
TI-S	Transparency International's Secretariat
UN	United Nations
UNDP	United Nations Development Program
UNCAC	United Nations Convention Against Corruption
UPR	Universal Periodic Review

## Chapter 1: Introduction

### I. Presentation

1. This study evaluates the effectiveness of Transparency International's strategy to advance the compliance by Latin American governments to the agreements of the Inter-American Convention against Corruption (IACC). The IACC is the first international convention against corruption ever adopted. Since 1996, the IACC has provided Latin American stakeholders with international standards and a framework of agreed rules and procedures for addressing corruption. To monitor compliance by member states with the IACC agreements, member states adopted the IACC's Peer Review Mechanism: MESICIC (on PRMs, see Box 1).

2. This evaluation is based on the premise that anticorruption institutions and advocacy, including international conventions and related programming, can be conceptualized as concrete tools that transform democratic ideals into practice. Key standards set in the IACC (e.g., institutions to promote civil society participation in public decision-making, horizontal accountability, or public officials' integrity), have been associated with the deep transformation of authoritarian states and the quality of democratic governance in Latin America.

3. Open Society Foundations' Latin America Program (OSF-LAP) has considered the existence of the IACC and MESICIC as important elements of a transnational anticorruption strategy that can empower national-level accountability constituencies/civil society groups and, in so doing, activate anticorruption policies in domestic systems.<sup>1</sup> As a consequence, OSF-LAP has supported Transparency International's Latin America and Caribbean Department (TI-LAC)'s Conventions Program since 2004. In the last five years, it has invested approximately \$686,000.

4. International Conventions' related Programming is also a pillar of Transparency International's Global and Regional Strategies (Transparency International 2008, 2011). The general objective of TI's Convention-related programming in the Americas has been to generate a dynamic stimulus for the

effective implementation of the IACC and the United Nations' Convention against Corruption (UNCAC) in the Americas.

5. The Program has tried to achieve its goal by taking a series of steps:

- Initial phases sought to consolidate TI's position in the Inter-American System as an interlocutor able to support the implementation of the IACC. The program worked to mobilize civil society organizations to participate in MESICIC, provide them technical tools to participate in the PRM, and promote coalitions with other civil society organizations. The main outputs of this work have been the preparation and presentation of shadow questionnaires on compliance at country level. The Program also participates in other regional fora related to the IACC.

- Later phases, starting in 2007, have tried to complement regional work with projects that could have greater impact at the national level. Selected national-level advocacy activities to promote the implementation of the IACC have been supported. Along with these efforts, the program has produced tools to improve communication with different audiences. More recently, the Program has promoted activities and exchanges to better articulate anticorruption and human rights advocacy.

6. A goal of this evaluation is to summarize how, if at all, we could increase the effectiveness of anticorruption programming in Latin America as it relates to the promotion of open societies in the future. OSF-LAP and TI-LAC will use the results to test current assumptions and reexamine existing strategies to influence Latin American governments to comply with IACC agreements. Similarly, the evaluation will help explore the limits and/or untapped opportunities of working to influence change through engagement with the Organization of American State (OAS), MESICIC, and Latin American civil society.

---

<sup>1</sup> For background on the need of this kind of support in the region, see Open Society Institute (2010).

### Box 1: Anticorruption PRMs - A primer

**What are PRMs?** Anticorruption peer review mechanisms are the rules and procedures through which the states that have adopted international anticorruption standards regularly submit an account of their anticorruption policies and record, engage in dialogue with fellow states to assess the adequacy of existing commitments, and take on recommendations to handle problems of poor implementation. State reports are rarely the only source of data on the table for debate. PRM's secretariats, experts, non-governmental, professional, labor and private sector organizations contribute data. They do so through shadow questionnaires, interviews, and reports.

**What do PRMs look like?** PRMs come in various shapes and sizes. Some of them have large and diverse memberships in terms of regional coverage, size, or levels of development, while others are smaller and more homogenous. Some have a narrow substantive scope, such as the OECD Working Group, while others such as MESICIC cover preventive, criminal, and international cooperation aspects of the control of corruption. Some PRMs have been working for many years as the Council of Europe's GRECO; others are relatively new, such as the Implementation Review Group of the United Nations Convention against Corruption. Some of these systems review formal treaties, such as the African Union Convention on Preventing and Combating Corruption, while others review soft standards, such as the Anti-Corruption Action Plan for Asia and the Pacific.

**What are PRMs' functions?** Despite these and other many differences across review systems, PRMs share key functions. They seek to facilitate state-to-state cooperation, but the process of making, reviewing, and maintaining international standards directly engages domestic institutions so as to shape or influence domestic decision-making within sovereign states in accordance with those standards. PRMs promote exchanges of information and assessments of experiences among stakeholders inside and outside the state apparatus. They do so gradually, by which we mean that anticorruption PRMs encourage participants to experiment, innovate, and learn a step at a time (see e.g. Abbott and Snidal 2002).

Crucially, PRMs inductively evaluate how their member states are implementing the anticorruption standards, and support their progress over time. These mechanisms are the result of ways and means of the international legal system, which implies that all members formally participate in the proceedings on an equal basis.

**How do PRMs function?** Periodically, representatives of member states to PRMs determine the scope and a set of well defined procedures to monitor all their member states. Information collected through a range of tools (e.g., written self-assessments, expert and non-governmental questionnaires and panels, and interviews with stakeholders) is analyzed by other state experts who elaborate evaluation reports. PRMs' secretariats provide crucial support to accomplish this activity.

**What are peer review mechanisms' outputs?** At first sight, PRMs' main deliverables are evaluation reports. Evaluation reports are adopted through discussions, considering the comments of the member under review. These reports often include information about anticorruption law and practice for a range of issues in each country. As many PRMs publish their reports, they have produced a very rich, public map of these countries' governance systems. Reports also include recommendations aimed at furthering the implementation of the international standards under scrutiny.

Overall, PRMs' inputs, mechanisms, and products are both technical and political. At this intersection lie their potential and limits, which the answers to the evaluation's questions should illuminate. These mechanisms are much more than evaluation reports and recommendations. They have other concrete, albeit more subtle, political and institutional means and payoffs. To make the most of PRMs' potential to advance reforms on the ground, we must understand how their means work in practice.

Source: adapted from (Guerzovich 2010)

## II. Key questions

7. This evaluation explores each one of the following six questions presented by OSF-LAP and TI-LAC:

- To what extent has the IACC played a role in setting the agenda and promoting anti-corruption standards that further respect for human rights in Latin America?;
- To what extent have monitoring efforts of IACC implementation been more productive than civil society monitoring efforts at guiding and supporting accountability, transparency, and anti-corruption work at country level?;
- Under which conditions have TI chapters and other civil society organizations used the IACC and MESISIC effectively to shape policy decisions?;

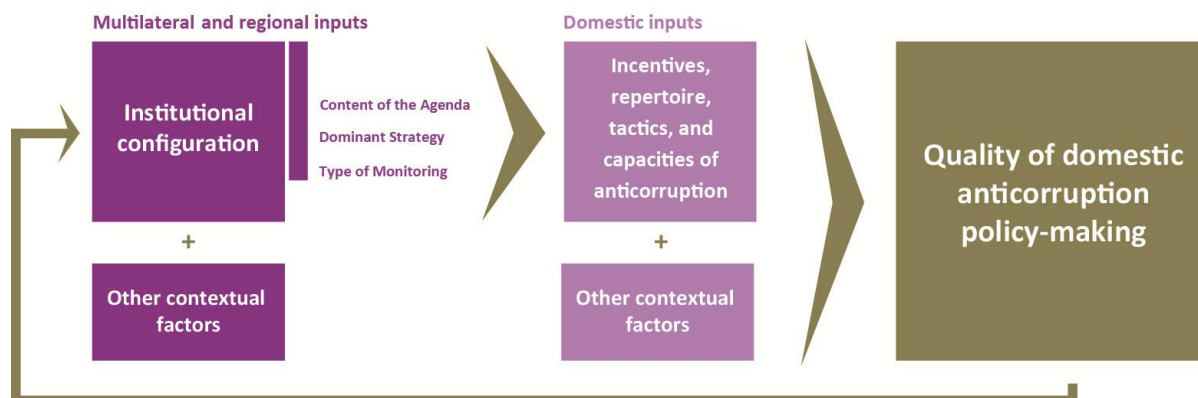
- Why and how do MESICIC's rules and procedures improve in ways that facilitate the implementation of the anti-corruption agenda at country level?;
- To what extent do other multi-lateral organizations (UN, OECD, World Trade Organization, etc.) provide more productive forums or mechanisms than the OAS to facilitate the implementation of an anti-corruption agenda at country level in the region that furthers respect for human rights? Why?;
- Given limited resources, does the current strategy of work with the OAS through TI have the potential to promote an anti-corruption agenda that furthers respect for human rights and its underlying conditions?

### III. The theory of change

8. In order to proceed with an evaluation of this nature, we decided to integrate the questions and spell out the theory of change underlying OSF-LAP's support of advocacy efforts associated with

international anticorruption conventions and their peer review processes. Figure 1 summarizes the theory of change.

Figure 1: A theory of change: Sources and dynamics of effective and sustainable anticorruption policy-making



Source: Author

9. We expect accountability constituencies' political capacities to mediate between the inputs from regional programming and national-level outputs. In TI-LAC's Conventions Program case, the assumption is that TI-LAC's chapters are crucial channels to enmesh global, regional, and domestic processes. **Political capabilities**, which are defined below, can affect accountability constituencies' effectiveness.<sup>2</sup>

#### Politically capable anticorruption non-governmental organization

It can adapt its actions and programming, and mobilize resources to the context in which it operates. By so doing, it improves the likelihood of the effectiveness of its proposals to prevent corruption and further open society values.

10. If anticorruption constituencies acquire – directly or indirectly through TI-LAC's program – context-relevant political capacities, and shape their tactical choices accordingly, they may be more likely to impact anticorruption outcomes in ways that strengthen democratic governance and further open society values, thus becoming more effective.

11. An important point about this theory of change is that it **takes the transnational context, and the political economy dynamics that stem from it** seriously. It focuses on the ways that different forms of transnational institutional configurations affect advocates' willingness and abilities to have impact over domestic policy-making, but takes into account the effects of other domestic and international factors. These effects cannot be captured with a snapshot: Anticorruption policy-making and their causes develop over time.

12. A key related expectation of the theory is that no matter how important the immediate input of a specific stakeholder to anticorruption change, sustainable institutional development in a democracy is the product of prolonged political processes, and rarely or solely the product of clearly delimited programming by stakeholders (on the general insight, Rustow 1970).

### IV. The structure of the study

13. This evaluation is organized in chapters that answer each one of OSF-LAP and TI-LAC's questions. The sequence in which the answers are presented here was agreed with OSF-LAP and TI-LAC to facilitate the communication of the findings. Although each chapter stands separately, they all relate to the change strategy. Hence, while answers

<sup>2</sup> This definition takes a cue from Open Society Institute (2010) and Poli, Giraudy, and Guertzovich (2010),

are independent, they partly overlap. They are parts of a single movie shot from different angles:

14. Chapter 2 summarizes the study's theoretical and methodological approach which draw heavily on Guertzovich (2010).

15. Then we discuss those questions related to the international and regional advocacy work. Chapter 3 explains why international anticorruption conventions are an inherent component of advocacy in this field. It also compares the different international conventions available to facilitate the implementation of an anticorruption agenda at country level in the region.

16. Chapter 4 looks more deeply at one specific aspect of the Inter-American anticorruption system: its linkages to open society values, which have a long-standing basis in the region. This association is particularly relevant to fitting the work of TI-LAC's Conventions Program into OSF-LAP's broader strategy and mission.

17. Chapter 5 analyzes an aspect of international conventions in which TI-LAC's Program has invested many of its resources: the institutional development of MESICIC's rules and procedures. It explores how TI-LAC's Program work has contributed to shaping how MESICIC works today.

18. Chapter 6 evaluates the central assumptions and mechanisms of OSF-LAP's theory of change. The chapter explores whether OSF-LAP's theory of change captures how anticorruption, broadly understood, works at the national level. Has anchoring anticorruption advocacy in regional institutions been more productive than civil society monitoring efforts in shaping policy decisions? It also looks at the extent to which TI chapters and other stakeholders have acted as the key transmission belt, connecting national and international processes.

19. The last chapter summarizes lessons learned and presents a series of recommendations.

## Chapter 2: A Political Economy Approach for Evaluating Effectiveness

### I. Why political economy?

1. This study seeks to make inroads in understanding something we know little about: how anticorruption advocacy activities are effective and, eventually have impact, at the national level (Tisne cit. in Freedominfo.org 2011; McGee and Gaventta 2010; although see, Gutterman 2005; Guertzovich 2010; Michener 2010; Pereyra 2009; Sims 2011).

2. MESICIC reports suggest that anticorruption policy transformations, albeit neither perfect nor even, are possible in Latin America.<sup>3</sup> This evaluation is concerned with the political economy of these possible – rather than ideal – reforms under difficult circumstances, putting emphasis on the role of non-state accountability constituencies.

3. Political economy analysis seeks to broaden our understanding of the ways in which stakeholders, institutions, and processes affect how policy reform is advanced and plays out in practice.<sup>4</sup>

4. At the heart of this approach is an effort to move our attention from programming results to its effectiveness or impact, from narrow achievements to scaled interventions. The related goal is to increase the availability of evidence-based knowledge to sharpen advocacy strategies that are consistent, and continue to strengthen human rights, transparency, and democratic governance in the region.

5. This chapter summarizes theoretical and methodological building blocks of this study, produced during the first semester of 2011.

---

<sup>3</sup> For example, since the adoption of the IACC, state-bodies with anticorruption competences have become institutionalized in Argentina, Colombia, the Dominican Republic, and Uruguay, among others. States including Guatemala, Chile, Peru, and Mexico have adopted reforms to their procurement systems and access to information laws.

<sup>4</sup> This study uses the methods and tools of systematic political economy/institutional analysis. Political economy/institutional analysis is being increasingly utilized in the governance and anticorruption area. Its promoted by multiple international cooperation actors to answer questions as those posed by this evaluation (e.g. Andrews, McConnell, and Wescott 2010; Fritz, Kaiser, and Levy 2009; Unsworth 2008).

### II. key concepts

6. In order to shed light on the workings of the concrete theory of change underlying OSF-LAP's support of TI, the study refers to three related but distinct concepts: influence, effectiveness, and impact. In this study:

#### Influence

Occurs when a player **intentionally transmits information** to other players that **alters the latter's behavior** in a way that is consistent with former's goals and different from what would have occurred without the information they provided.<sup>5</sup>

#### Effectiveness

Is the degree to which the intervention causes **changes in the behavior of actors**, in their **interests**, or in the **policies and performance of anticorruption institutions** in ways that **contribute to the positive management of the problem of corruption** (adapted from Young and Levy (1999)'s political definition of effectiveness).

7. We need to consider that anticorruption reform processes are rarely smooth and unidirectional (on state reform see e.g. Geddes 1994; Grzymala-Busse 2007; Dimitrova 2007; on access to information Fung, Graham, and Weil 2007; Roberts 2008; on corporate governance Gourevitch and Shinn 2005). Even when reforms are adopted, blocking coalitions fight back to undo them. Reforms are not always sustainable. Sustainability is a condition for success.

8. Looking for impact is a more ambitious endeavor.

#### Impact

It is the degree to which the reform intervention **achieves its further reaching goals**, such as preventing corruption or contributing to open society aims (McGee and Gaventa 2010).

9. Note that all concepts move beyond result indicators. In order to contextualize anticorruption advocacy work, it is important to consider that

---

<sup>5</sup> We are building on Betsill and Corell (2001), and Keck and Sikkink (1998).



institutional progress in specific policy and institutional realms in democracies is not generally or solely the product of clearly delimited programming by stakeholders.<sup>6</sup> More often, it is the product of inconclusive and not fully planned, collective reform efforts, which occur over longer periods of time than most projects, and an ongoing struggle to distribute power and reinterpret the meaning and significance of institutions in a society. Therefore, a political economy analysis of effectiveness and impact requires considering the often neglected evidence about how players other than the TI actors implementing a given program in a given period of time behaved, as well as institutions and processes.

10. In this sense, activities (organizing or participating in a meeting, creating an awareness raising campaign, lobbying a member of the legislature, answering MESICIC's reports, etc.), access to decision-makers, appearances in the press, measurements of a phenomenon, and funding are not indicators of influence, effectiveness, or impact. These factors are independent variables which CSOs can do or have that may lead them to be influential, effective, or have impact (Betsill and Corell 2001).

11. In terms of the range of outcomes, we take Peruzzotti's (1999) view, that the analysis of the politics of societal accountability in Latin America should distinguish modest temporary changes from longer term policy changes. Shaming that leads to the resignation or conviction of a public official, as other temporary changes, is less desirable than changes that produce impact over time.

12. In light of these concepts, the methodology for this study was developed based on the premise that in order to understand whether IACC, MESICIC, and related programming pays off on the ground, we should keep their functions and context in mind and our expectations in check. When we design domestic and international programming, we have to think about what is likely to happen given contexts and processes, not just what we would hope could happen in an ideal scenario (Guerzovich 2010).

13. Similar structural considerations should be taken regarding expectations about civil society organizations and their work. As Box 2 discusses, the expectations set by TI, national chapters, and many

---

<sup>6</sup> The literature on institutional development in democratic societies is vast. Here we take cues from Nino(1992); Sabel and Cohen (Sabel and Cohen 2006); among others.

of the Program's deliverables for the Convention and member states can be used as benchmarks to evaluate TI itself. These expectations and goals, however, make it quite difficult to be realistic.

14. It should be underscored that reasonableness does not mean sticking to the status quo and assuming change is not possible – particularly when looking to the future. On the contrary, it requires paying attention to the conditions under which and the actions through which influence, effectiveness, and impact were possible in the past and may be possible in the future. It crucially requires paying attention to how changes occur to contextualize those prescriptions.

..In this sense, we have to bear in mind that the context is dynamic. The tactics that helped achieve successes in the past are not necessarily useful as the environment shifts. Theories of change, methods, and praxis need to cope with these dynamics.

#### **Box 2: Setting realistic goals and holding CSOs accountable**

This study is based on the premise that we should take advantage of existing evidence, documents, and studies before trying to reinvent the wheel. This applies to setting goals in order to evaluate TI chapters' effectiveness and impact through the Conventions' Program.

To set this study's expected outcomes, Transparency International (2006) seemed a great place to start, because chapters had been surveyed about their experiences and expectations about the IACC. The study had a benchmark and goals set by stakeholders themselves and we could trace developments over time. Yet when we analyzed the answers and expectations that TI chapters had vis-à-vis the International Conventions, we realized that in allowing themselves to "dream" about the future, many had set themselves up for failure. For instance, one of the chapters had set as a goal to attain 80% compliance levels, and others imagined that the IACC would be too limited by 2016. In 2011, such accomplishments are of course too far off.

The survey was probably meant as an advocacy tool to push governments into action. Lack of movement towards the dream could be used to shame governments for their inaction. At the same time, if governments do not make this kind of progress (and they are often unlikely to move so quickly), should TI chapters that have been working for a long time in this field be held accountable for their inability to effectively demand these changes? Would asking these sorts of questions in an evaluation exercise help to strengthen some CSOs' capacities and sustainability and, in turn, increase their ability to achieve mission-critical goals?

We opted for using alternative, more realistic indicators in this evaluation to gauge civil society's potential. Still, we deem it important to highlight the challenges TI chapters themselves create for observers and evaluators alike by assuming that others and not themselves will be held to account for changes that are

central to their anticorruption mission. For advocates themselves, as Manor (2010) put it, exaggerated yardsticks often contribute to exaggerated disappointment as well.

### III. Activities

16. To cover uncharted territory, especially in Latin America, we take a cue from studies of NGO effectiveness in other issue areas, including environmental politics (Betsill and Corell 2001) and human rights (Keck and Sikkink 1998).<sup>7</sup> Some key methodological insights from these studies are: a) we should remain modest about the measurability of phenomenon that are highly complex and elude quantification; and relatedly, b) the systematic application of qualitative research methods can enlighten important aspects of causality.

17. To materialize this approach, different types of activities were carried out to develop this work. In each case, OSF-LAP and TI were briefed and debriefed.

18. Preparatory activities included the development of a series of theoretical propositions and a methodology to study them. We also conducted a thorough desk review of more than 100 project-related documents and other primary and secondary sources.

19. Two data collection tools were developed to systematize pre-existing and new data about the Program and its results. The data captured is analyzed through specific indicators (perceived usefulness, participation, and technical quality) that change in a positive direction is plausible. It also helps to better understand and engage the work of key stakeholders, including TI's Latin American chapters in the evaluation process, as well as to inform case selection for qualitative comparative analysis. Collectively, these indicators reflect some regional dynamics which are further discussed in other chapters of this study.

20. The main source of data about the Program's environment and impact have been field visits of approximately one week's duration in the TI Secretariat in Berlin and four Latin American countries (Guatemala, Mexico, Colombia, and Peru) – a sample chosen in consultation with OSF-LAP and

---

<sup>7</sup> We also pay attention to the broader social sciences literature about the development and impact of social movements on national and international politics (e.g. McAdam, Tarrow, and Tilly 2001) and more discrete studies about instances of NGO effectiveness put together for policy purposes (e.g. Gaventa and Barret 2010).

TI following specific theoretical and methodological criteria. Efforts were made to be sure to interview a broad cross-section of stakeholders in each country. We used their inputs to systematically map the development of selected preventive anticorruption systems. These anticorruption systems are of particular relevance for OSI and TI in the region.

21. Overall, this study builds on consultations with stakeholders through personal or phone interviews. They include 34 members of Transparency International, 34 current and former public officials, 10 representatives of other civil society organizations, 3 representatives of Private Sector Organizations, 3 officials of International Organizations, and 4 of other international cooperation actors, as well as 7 experts. It should be noted that different stakeholders requested different levels of confidentiality, which is preserved throughout the document.

22. In the field, activities often included observation of events programmed by TI and its chapters to advance their priorities, not necessarily specific Program goals.

23. The application of these qualitative research methodologies relies on "triangulation of sources." In plain language, this study uses multiple sources of evidence and methodologies to analyze whether the main hypothesis holds. We do so because data, sources, methods, and researchers have different biases.<sup>8</sup> Through the multiplication of these tools and information, we try to qualitatively complement biases – not ignore them. While we should not be seeking to provide a false sense of certainty, this approach can help us strengthen confidence in our findings and claims about causal processes.

### IV. Limits of the approach

24. This evaluation uses methodological tools that are considered adequate in the social sciences to research the hypothesis specified in the Terms of Reference of this evaluation and reproduced in the introduction of this study (generally, e. g. Mahoney and Larkin 2008). These tools are not silver bullets. For example, the analysis of the effectiveness of MESICIC over a particular anticorruption policy in a

---

<sup>8</sup> In the field of development and anticorruption advocacy, this is further complicated by NGOs' perceptions that they have to oversell their activities in order to attract media attention and/or funding (interviews with TI members).

single country will by no means provide a comprehensive account of anticorruption and accountability politics in that country, let alone all countries in the region. But systematic comparisons can show how a PRM shaped local stakeholders' capacities and produced significant transformations that many observers would attribute to ad hoc occurrences.

25. In this sense, while this study has limits and can be improved, its theoretically informed, in-depth political economy approach to monitor and evaluate the impact of advocacy interventions provides a means to systematically process data about the past in order to provide short- and long-term lessons to make strategic choices in the future. Conversely, extrapolating results outside these boundaries without appropriate empirical research is likely to render problematic inferences and prescriptions.

#### **V. Considering alternative evaluation approaches**

26. This evaluation is not concerned with demonstrating which TI chapters have performed actions related to the Conventions' Program. It is concerned with the way actions directly or indirectly associated with international conventions may have effects over national-level anticorruption policy-making. These effects include the establishment of administrative mechanisms to increase the transparency of public procurement, to ensure that the public bodies charged with controlling asset disclosure forms have the resources to do so, or to empower a set of users with genuine interests in a given policy to request and use public information. 27. Therefore, the evaluation provides a systematic alternative to the piecemeal collection of data on interventions that tends to stress the uniqueness of the cases rather than identifiable and actionable commonalities.

28. In relation to the Project evaluated here, a key methodological finding is that result indicators are not good proxies for effectiveness or impact indicators. For example, an index measuring different TI chapters' adaptability to the rules and procedures of MESICIC and the Conventions Program, suggested much variation across chapters. Some chapters' results informed that they have been highly responsive, while others suggested that they have been unresponsive. While on-site research corroborates the validity of the index, it also reveals that the index does not provide relevant information

about whether the chapters have internalized their participation in the Program. TI chapters that are very likely to adapt to the rules and procedures of MESICIC and the Conventions Program did not have a goal to promote policy transformations at home. TI chapters that are unlikely to adapt to the regional rules and procedures did not pursue policy transformations at home either.

29. Advocates and other international development partners often focus on readily available result indicators that are not always valid for practical application in anticorruption work, because they lack an effective theoretical framework to think about their importance under different circumstances (generally, see Andrews 2008).

30. Result indicators often highlight variables that may at first appear to be important causes of change, but upon deeper analysis turn out to be less so. By overlooking truer and systematic underlying causal processes, their strategies of change, programming, and future self-evaluations are misguided as well.

31. Furthermore, much as it happens with indicators advocates use to evaluate governments, result indicators often presuppose that there is a one-size-fits-all model and that effective non-governmental organizations do the right thing well. In this framework, an effective non-governmental organization was the one that performed well, given the context in which it had to operate. As per OSF-LAP's theory of change, non-governmental organizations are not fully responsible for outcomes, but their political and managerial decisions have great salience in the assessment.

## Chapter 3: Anticorruption Advocacy in Latin America: What are the options?

### I. Conventions are here to stay

1. The international anticorruption legal framework in the region is complex. In addition to the Inter-American Convention Against Corruption (IACC) adopted in 1996 and its 2001 peer review mechanism (MESICIC), in 2003, states adopted the United Nations Convention Against Corruption (UNCAC) and its 2009 peer review mechanism. Furthermore, Mexico, Argentina, Chile, and Brazil ratified the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Convention) and participated in its PRM. These mechanisms have steadily engaged non-state actors across Latin America as well.<sup>9</sup>

2. This chapter starts with the premise that even if international anticorruption law does not prove to be effective in absolute terms, it can be a relatively effective means to perform certain functions related to the long-term institutionalization of the agenda at country level. It highlights why any anticorruption strategy in the region should consider these institutional opportunity structures and the limits they impose. The message is simple: Conventions are here to stay.

### II. Context matters

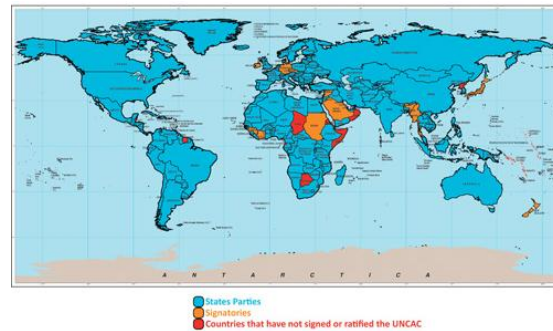
3. In the 1990s, when corruption erupted in the international agenda (Naim 1995) and Transparency International emerged, international conventions were an ideal. At that time, states were reluctant to discuss anticorruption standards, let alone establish them or monitor them voluntarily to diagnose how to act. In the early 2000s, as OSF-LAP started to support work in this area, working on anticorruption conventions was an option for most international development partners.

4. Today, international conventions, however imperfect, have become a fixture of the environment in which anticorruption advocacy takes place. As Figure 2 below illustrates, states have voluntarily bought into international anticorruption

conventions. This means that they have already signed and often monitored compliance with a broad set of specific anticorruption policies and systems.

5. There are strong reasons to suspect that working through anticorruption conventions is not and will not be an option for advocates, but a structural given in the foreseeable future. Conventions have become a shared substantive roadmap for state and non-state actors in this field.

Figure 2: UNCAC signature and ratification status as of May 1, 2011



Source: UNODC (2011).

6. International development partners increasingly consider these instruments in their strategies and programming. Examples include the Inter-American Development Bank's PAACT strategy (see e.g. Inter-American Bank of Development 2009), the World Bank and UN joint STAR initiative (The World Bank - UNODC 2011), and the UNDP's support for the implementation of UNCAC in certain regions (Timilsina 2010).

7. Conventions and their PRMs have also created incentives for states to develop and sustain, if not new anticorruption bureaucracies, coordination mechanisms across existing institutions. These include, but are not limited to, Uruguay's Advisory Board of Economic and Financial Issues, Slovenia's Commission for the Prevention of Corruption, or inter-institutional coordination mechanisms in Colombia, Guatemala, and Sweden (interviews with public officials, including those carried out for Guerzovich 2010).

<sup>9</sup> We don't refer to the WTO because it does not seem to be in the cognitive map of the stakeholders we have interviewed this far. The WTO is a dog that has not barked in this field (Abbott and Snidal 2002).

8. These international instruments are also driving forces behind more systematic production and publication of information about state anticorruption activities in the area. This information is signed off by the states themselves and can be instrumental for advocacy work. For instance, advocates can have an insider's diagnostic with information that may not be available otherwise.

### III. The IACC or the rest

9. TI-LAC's Conventions Program has a regional focus, which means that most of its work has taken place within the Inter-American system. A priori, there are reasons to believe the OECD and UN Conventions are better mechanisms to channel TI-LAC's concerns than the Inter-American System. Among those interviewed for this study, proponents of a UNCAC-based approach often highlight its broader membership (including Cuba, for instance), but more importantly its broader scope. Among other provisions, UNCAC incorporates access to information as an instrumental resource to promote public integrity and a set of provisions aimed at regulating cooperation for the recovery of assets.

10. Proponents of an OECD-based advocacy approach generally point to its leverage. They believe that powerful developed nations and private sector engagement mean that these stakeholders' power and financial resources can be used to impose effective conditions on other states.<sup>10</sup> This leverage sometimes has attracted high-level officials' attention, such as former Chilean Presidents seeking full membership to the OECD. Stakeholders consulted for this study also valued the higher technical quality and credibility of the deliverables of its PRM.

11. The OECD and UNCAC are more visible than the OAS-based anticorruption mechanism – which also seduces advocates and donors alike. Some advocates interviewed stated that the IACC and MESICIC operate within the OAS, which appears to have less support from powerful countries such as the US, potentially suggesting it is not relevant

12. While these arguments are valid, and MESICIC could learn from positive developments in each one of these instances, we should keep in mind the

---

<sup>10</sup> It should be noted, however, that the private sector's engagement has rarely become a call to action to promote reforms. In the region (Mexican corporations, for instance), there is lack of knowledge of the Convention despite communication efforts to ensure otherwise (cite).

stated goals of OSF-LAP's support to TI-LAC's Conventions Program: increase civil society organizations' capability and bring about preventive policy change at country-level. Visibility, support by the US government or the private sector, or technical qualities of an international institution are factors that may or may not contribute to accomplishing these objectives.

13. Evidence analyzed for this evaluation, confirms that the OAS process is far from ideal. Data also suggests that the OAS process seems to have important advantages for advancing the Program's goals in the region. The following paragraphs preview points developed in other chapters.

14. **Focus on prevention:** A key innovation of the IACC is its preventive article (also see Manfroni 1997; Vargas Carreño 2000), which has remains the cornerstone of regional work. Article III includes a series of provisions that focus on the institutions that govern the way the state exercises its authority on a daily basis. Other conventions do not share this focus. The OECD Convention is narrow and does not explicitly regulate many such matters. While the UN Convention includes those issues, they are not the focus of much action thus far. Both conventions have been associated more often with international criminal and cooperation legal matters.

15. **Effectiveness:** The OAS process has shown that it can help countries move in the right direction in ways that are more consistent with the region's concerns. For instance, a TI executive director explained that in the successful effort to promote the adoption of access to information regulation in her country, "it was not the same to say that we are not complying with the IACC than to say it myself. [Otherwise, public officials would] tell me that it is an ideal of Transparency, a utopian organization."

16. The OAS process is not a silver bullet. Impact is uneven and much needs to be done. PRMs' processes, as discussed above, do not seek to take on that magical role. More importantly, for the argument here, existing alternatives are not silver bullets either. So while Chile may have adopted provisions to improve compliance with the OECD Convention at a particular point in time, a scattered example does not have a more solid evidentiary base than scattered examples in the OAS process could have. An example cannot and should not guide programming.

17. Furthermore, if we are to consider comparative effectiveness, it would seem relevant to account for

the costs of each process. Globally, stakeholders have invested in the OECD or the UNCAC process many more financial, technical, and political resources than in the OAS process. This can explain their greater visibility and the quality of technical reports. It remains “a good question” whether greater investments have led to greater effectiveness (interviews with advocates).

18. **Positive participants’ perceptions:** Many national government officials involved in international anticorruption follow-up processes were consulted for this study. Among them, the prevalent perception is that the OAS process is relatively more useful to move forward the open society agenda than alternative forums. One of the reasons put forward by stakeholders is that the OAS provides a context with a smaller number of member states, which face more similar democratic and domestic histories. We are more likely to see deepening of open society standards there than in the UNCAC or OECD processes in which states are more varied (on the general logic, Abbott and Snidal 2004).

19. **Civil Society’s Institutional Role:** Partly thanks to the work of TI-LAC’s Conventions program, and as will be discussed more deeply elsewhere in this study, civil society organizations have managed to become integral components of the anticorruption system in the Americas. They have gained an institutional place they do not have in the global review mechanism or the OECD. This is a feature that several TI chapters valued as well.

20. Within MESICIC, many governmental stakeholders consider that the strength of civil society organizations’ engagement is important for the future of the agenda as well (interviews with MESICIC participants). According to Brazilian Minister Jorge Hage: “MESICIC, since its creation, has shown it is a vanguard mechanism. Nonetheless, it is necessary to continue moving forward, continue improving the mechanism. For this, the discussions ... about on-site technical visits and forms of civil society, participation is of crucial importance” (Hage 2010).

21. Some chapters even prefer the role they have in MESICIC to regional alternatives setup by TI outside the Inter-American system. The Declaration of Guatemala includes Presidential commitments oriented towards reaching concrete outcomes in the fight against corruption by 2010 in the Central American region. The declaration and its follow-up

have been promoted by some in TI as an alternative to the OAS-based process. A TI member consulted for this study compared them in the following terms: “[Within the framework of the Declaration], we do not have an institutional space for advocacy. [Stakeholders] talk less. There is a global report. There are no questions. The government does not provide explanations. I like the OAS better.”

22. To be sure, chapters’ buy-in of the OAS process and its reports is not even across TI. During interviews, sometimes chapter members complained about the limits imposed by MESICIC, and through TI-LAC’s Convention Program, in terms of reporting requirements or procedures. Subsequent chapters in this evaluation try to explain where roadblocks for coordination between the Program and chapters lie. However, interviews across the region also suggest that buy-in of TI’s OECD report card or the UNCAC’s review process may even more limited among TI chapters in the region.

23. TI-LAC’s Conventions’ program, and OSF-LAP’s sustained support, have been instrumental in making sure windows of opportunity opened by the provisions of the IACC and MESICIC written into the books became realities. These realities are neither self-sustainable nor perfect. They call for ongoing but deeper multi-stakeholder engagement at the OAS and national levels.

#### **IV. The IACC as a means to shape global anticorruption?**

24. Some readers of this document may seek to shape international standards beyond the OAS as an end in itself. Even then, the OAS may paradoxically be their best bet to promote global change. In the past, what anticorruption constituencies have gained in the OAS has had positive consequences over other international processes. As early as during the negotiation of the IACC, Larson (2000), for instance, highlighted that the US used the OAS precedent to move the negotiation of the OECD convention forward. The adoption of the Inter-American Convention helped to reaffirm Washington’s position that an international instrument on anticorruption was feasible vis-à-vis the likes of Tokyo and Berlin, who opposed the OECD Convention.

25. Similarly, the OECD Convention’s PRM served as a precedent for GRECO (the Council of Europe’s anticorruption PRM) and shaped positive expectations of OAS members. All precedents, along

with other OAS-based reviews in other areas, helped drivers of MESICIC defeat opponents' arguments that there was no place for an international evaluation of national anticorruption governance.

26. Previous regional instruments such as the IACC and the OECD served as important building blocks for UNCAC as well. For the Latin American countries that had ratified these other instruments, the UNCAC came to strengthen much of what they had already collectively accomplished (Guerzovich and de Michele 2010).

27. MESICIC can be valuable for global advocacy as well. The greater depth and positive experience of TI-LAC's engagement in MESICIC can be a powerful tool to persuade states inside and outside the region to take steps towards achieving what the OAS has. This message was conveyed by an Argentinean representative in UNCAC's review mechanism during the 2008 International Anticorruption Conference in Athens.

28. In short, looking to the future, investments in the inter-American process may pay off more, albeit more indirectly, than investments in the UNCAC process to change the global process itself. Coordination and communications channels across advocacy efforts in different forums are of course paramount for the success of this kind of cross-fertilization. We turn to these next.

#### **V. The more the merrier?**

29. The presence of multiple conventions creates challenges for advocates. As a TI chapter's executive director consulted for this study explained, the wording of conventions and their recommendations are not always written in the same way. The explosion of other diagnostic tools in this field adds layers of complexity. Which best practice or performance indicator should an advocate pragmatically choose? Beyond such discussion, there are political economy dynamics that also undermine coordination among stakeholders in different international anticorruption processes.

30. Civil society's programming and advocacy regarding international conventions mirrors the setup of the conventions themselves. Many participants nominally participate in several efforts, but international advocacy work is not well coordinated. Communication is not always fluid among civil society participants in UNCAC, the OECD, and the OAS processes. On the contrary, TI-S global and regional programming appears to go through

parallel routes (interviews with advocates). If anything, UNCAC's programming has built much more on the lessons of OECD experience than in the OAS process.

31. TI chapters in states that are members of the OECD Convention also work through the MESICIC process, but are not equally engaged, nor do they use the same tactics. More civil society organizations in Latin America are part of the roster of plausible participants in UNCAC's civil society programming than in MESICIC's. Some civil society organizations that participate in the UNCAC Coalition of civil society organizations, such as Colombia's OCASA, do not participate in MESICIC (interview with advocate). TI-LAC's program has not achieved its objective and engaged them productively.

32. These different Conventions advocacy efforts have developed distinct approaches, networks, "cultures," and rivalries. Absent a superseding authority, and consistent with institutional structures that encourages programming as independent silos, cooperation among those demanding anticorruption reform at the international level has not automatically followed. Rather, much as it happens in other issue areas, these networks compete for strategic constituencies, resources, and dominance (e.g. on election monitoring, see Kelley 2009).

33. While advocates may share publications and seminars, those organizations that participated in advocacy campaigns in the UN framework neither contribute to the Inter-American process nor learn lessons that, if adapted to the global process, could help them to be more effective and credible vis-à-vis particular state reviews.

34. The failure to engage in cross-fertilization among different non-governmental Conventions related programming detracts, in the eyes of some government experts, from the credibility of all advocacy efforts (interviews with government officials). Insofar as credibility is associated with effectiveness, lack of coordination undermines the cause of advocates in the Americas.

## Chapter 4: Anticorruption and Open Society Values in the Americas

### I. What drives anticorruption constituencies and institutions?

1. Actors and institutions fight corruption for many reasons. While many may see anticorruption as a self-standing issue that should be promoted as a matter of principle, many others do so because anticorruption is associated with other values and interests (Abbott and Snidal 2002).

2. To try to understand whether the drivers of anticorruption are consistent with OSF-LAP's broader mission, this chapter focuses on the extent to which the IACC standards and agenda further respect for human rights. Its goal is modest: It brings to light the multiple and steady ways in which stakeholders in the region have linked the regional anticorruption effort to stronger democratic institutions, counter-majoritarian concerns, and the public interest (Guerzovich and de Michele 2010).

### II. Anticorruption in the Inter-American system

3. Three international conventions make up the regional anticorruption regime in Latin America: the United Nations Convention against Corruption, the Inter-American Convention against Corruption, and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

4. One way to contrast these three instruments is to focus on the key ideas and values that have driven their institutional development.<sup>11</sup> As Table 1 illustrates, research suggests that stakeholders in different fora were influenced by different concerns and, relatedly, prioritized different conceptualizations of international anticorruption solutions.

5. The main concern of the negotiators of the OECD Convention was the economic effect of grand corruption in foreign business, and in particular of its tax deductibility (Abbott and Snidal 2002).

<sup>11</sup> Many authors have used a constructivist approach to discuss the emergence and development of the global anticorruption agenda. I am especially indebted to Sebastian Pereyra's Latin American take on the importance of this variable. His knowledge of the sociology of the development of these advocacy networks and their approaches has influenced mine (see e.g. Pereyra 2009).

6. The negotiation of UNCAC can be thought of as a sequel to the negotiation of the Convention Against Transnational Organized Crime – matters such as asset recovery of the proceeds of corruption took center stage (Williams and Vlassis 2001; Pieth 2008).

**Table 1: Key ideational underpinnings of international anticorruption efforts**

Ideational drivers	Often associated with	Selected Literature
Level the international market playing-field	Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Convention)	Abott and Snidal (2002), also see Tarullo (2004) Krastev (2004)
Strengthen fundamental rights and democratization processes, for some modernization processes as well	Inter-American Convention Against Corruption	Elliott (1996) Guerzovich and de Michele (2010)
Manage security threats	United Nations Convention Against Corruption	Williams and Vlassis (2001) Berdal and Serrano (2002) Pieth (2008)

Source: Author

7. The negotiation of the Inter-American Convention against Corruption was supported by different actors for a host of reasons, yet strengthening democracy was a major overarching concern of its proponents (Elliot 1996; Feinberg 1997; Guerzovich and de Michele 2010).

8. The preventive agenda embedded in article III of the IACC has been a central feature of the Inter-American anticorruption process. The article moves attention away from anticorruption as the mere persecution of individuals. It brings to light that preventing corruption requires setting up rules and mechanisms to shape the ways in which public authority is exercised in democratic states.



9. Table 2 helps us briefly trace critical junctures in the evolution of the Inter-American anticorruption system, focusing on the ideas that gave meaning to central moments of its evolution. Issues related to the quality of democracy have indeed influenced different instances of the construction of the Inter-American anticorruption institutions. The voice of many protagonists from inside the inter-state system reflect this peculiarity – irrespective of whether those words were political tools, mere speeches, or genuinely believed by these individuals.

10. Similar analysis of the negotiation documents of the OECD Convention or UNCAC at different junctures, on the other hand, would reflect very different concerns, “spirit of the time,” and outputs.

### III. Parallel societal debates

11. On the societal side, there is much written to associate the human rights movements with the development of the anticorruption advocacy movement broadly understood in Latin America. A 2004 consultation of advocates and experts in the region by the Center of Human Rights at the University of Chile’s Law School stated that for several participants, “after the return to democratically elected governments in our region, a disillusionment occurred in most countries about the concrete realities of political systems.... Then, the fight against corruption would be part of an effort to legitimate/consolidate recovered democracies. Seen in this way, the transparency and anticorruption agenda would be one of the issues of an ethical activism of ‘second generation,’ after the period of grave violations to human rights. The fight against corruption also expresses, in some countries, the continuity in the public arena of people and organizations that in the past mobilized for the defense of human rights” (Zalaquett Daher 2005)

12. For many of these protagonists, anticorruption work has remained over the last decades inherently linked to and a “natural” consequence of the demand to transform the legacies of the authoritarian state, consolidate democratic systems, and protect human rights in this new era (Zalaquett Daher 2008; Pereyra 2009; Guertzovich and de Michele 2010).<sup>12</sup>

---

<sup>12</sup> In Brazil, for instance, the *Ordem dos Advogados do Brasil* (OAB) has been an influential opponent to the military government in the 1970s and 1980s and an anticorruption advocate during the transition to democracy, in particular during the process that led to the impeachment of President Fernando Collor de Melo. In El Salvador, *Probidad*, a former TI chapter and FUNDE, its current

13. There is no consistent set of theoretical reasons to justify human rights and anticorruption joint advocacy at the global level (see discussions in, International Council on Human Rights 2009, 2010; Goodwin and Rose Sender 2009). And yet, for some Latin American open society “advocate-experts,” there has been an inherent association across issues in practice. Their main commonality is that they see their work as part of a broader “public interest” advocacy effort, generally concerned with constitutional or counter-majoritarian dimensions of democratic states.<sup>13</sup>

14. These linkages across issues that make up the open society agenda probably did not develop through much straightforward programming by non-governmental actors either (Transparency International 2010). Many advocates have had incentives to carve distinct identities for different issues and organizations for tactical and bureaucratic reasons (interviews with advocates and experts).

15. Also, there have been power struggles and normative disagreements within the open society movement. These often obscured the ways in which agendas could be levered by linking them, for instance at the OAS-level. For others, the link was not obvious at first sight, and may have associated anticorruption efforts initially with the modernization agendas of the international financial institutions. These concerns permeated and still permeate TI’s global agenda (Krastev 2004), driving away some human rights advocates.

16. TI-LAC’s Conventions Program has not always engaged other open society stakeholders or transmitted messages louder than others, but at times it has done so. For instance, the work to promote a follow-up mechanism to the IACC in the late 1990s was associated with TI’s OECD experience as well as experience of the human rights movement in the region (interview with advocates). More generally, while TI in the Americas at times may have been more interested in embedding free market than open society values into the Convention,<sup>14</sup> when its representatives engaged the OAS-based process, they have taken on the region’s dual concern with democracy and ensuring that corruption does not distort trade, investment, and

---

chapter, also linked both agendas through their work (unpublished interviews carried out for Guertzovich 2010)

<sup>13</sup> See, for instance, Saba (2002), de Michele (2005), Pereyra (2009). Also, interviews with advocates and experts.

<sup>14</sup> During the first decade of this process TI-USA sustained much of this effort (interviews with non-governmental activists).

economic development.

**Table 2: Timetable of the development of the Inter-American Anticorruption system**

Time	The Inter-American Anticorruption System	Selected links between anticorruption and other components of the Open Society Agenda	In the words of the protagonists	Civil Society Participation
Early 1990s	Introducing corruption in the OAS's agenda	In 1990, the Chilean representative in the Organization of American States attempted to include the topics of ethics and corruption in the regional agenda as part of the efforts to strengthen democratization processes (Pedone 1998; Peñailillo López 2001 - 2002). In the short term, the initiative failed. The first steps toward cooperation appeared timidly after a member of the Inter-American Juridical Committee (CJI) introduced the issue in their agenda.	Politically, the Convention was an instrument "to deprive authoritarians of the anticorruption banner and to begin to identify democracy with honesty in government" (Feinberg 1997).	The 1994 Summit of the Americas and the process that led to it help set the regional agenda as well. In these processes, the chair of the advisory council of TI, at the time the vice-president of Ecuador, advocated for regional anticorruption work.
Mid-1990s	Adoption of the IACC	During the negotiation of the Convention, some government officials argued that its standards may undermine democracy, privacy, and security rights of public officials. Still, one key feature of the Convention – Article III – reflects a concern to strengthen the way public authority is exercised in practice through a series of preventive mechanisms.	"it is necessary to consider [the IACC as a part of the international context]... It is also inscribed within the processes of modernization and state reform and the consolidation and strengthening of democracies " (Vargas Carreño 2000)	Countries did not reach a consensus on the role of civil society at the regional level. Several chapters in Latin America were not keen on an OAS-based process either (Guerzovich and de Michele 2010).
Late 1990s	Initial years of the IACC	Between 1996 and 1999, 17 out of the 34 members of the OAS ratified the Convention. The pace of implementation in these states was slow. In 1997, the General Assembly adopted AG/RES. 1477 (XXVII-O/97). This document called "Inter-American Program for Cooperation in the Fight Against Corruption" set a strategy to promote the ratification of the Convention, the draft of model legislation, and the organization of seminars. A written self-evaluation was also considered. The focus was on the criminal measures of the Convention.	"Inside the OAS ... the Mexicans and Fujimori's Representatives blocked progress towards a peer review mechanism" (unpublished interview with negotiator, carried out for Guerzovich 2010).	TI-USA co-hosted a multi-stakeholder meeting in 1999 to discuss a monitoring mechanism for the Convention. The discussion was inspired by the realization that human rights activists had been able to penetrate the intergovernmental world. Monitoring in anticorruption could empower civil society in anticorruption as well (interview with non-governmental expert).
2000s	Adoption and workings of MESICIC	MESICIC is adopted. It includes provisions on transparency and civil society participation at the regional level that will develop over time (see chapter 5). The PRM strengthens the convention's provisions on these issues at the national level (see below) Chavez's Venezuela, rather than Peru or Mexico, becomes a key obstacle for openness (interviews with public officials). It is plausible that the nature of the domestic regime affects their country's relationship vis-à-vis MESICIC (Guerzovich and de Michele 2010).	"I thought we could not do this alone with a national policy. International law could help us in the long run to strengthen the policy and the institutions, as it had helped us in human rights ... We had a set of primary rules [to govern primary conduct], the IACC. But ... We needed some form of international review mechanism ... And you have to deal with those governments. If the OAS is not efficient, it was what we could have.... [To make it work], we had to learn about the regional context.... It was not a master plan.... We learned with time" (interview with former argentinean official, cit. in Guerzovich 2010).	TI advocated for the adoption of provisions favoring the adoption of the follow-up mechanism in Inter-American meetings, including the Summits of the Americas. The movement has also presented multiple proposals to increase transparency and civil society participation in the follow-up mechanism. TI-LAC's Convention Program has put forward views from civil society during MESICIC's proceedings.

Source: research carried out for Guerzovich (2010).

17. Still, advocates, experts, and public officials interviewed for this study in Peru, Guatemala, Colombia, and Mexico, shared the realization of Guatemalan Deputy Nineth Montenegro: “In 1999, we started to look at the right to access archives, initially because of the disappearance of my husband. But then I started to get interested in the state, and how it works in terms of trusts, concessions, subsidies, purchases, contracts, and I began to realize how much money is lost in intermediation; ... there is a lot of darkness” (cited in Michener 2010).

18. A longer term perspective begs recalling that many advocates and experts perceived and still perceive anticorruption institutions as a space to work collectively on concrete problems and practical solutions related to the protection of rights in a democratic state and the transformation of deeply entrenched authoritarian practices that some human rights organizations may have been unwilling to deal with (Pereyra 2009).

19. As will be discussed further below, “advocate-scholars” public interest networks with a shared commitment to using domestic and international law to protect civil and political rights had an important concrete impact on the development of accountability mechanisms in Latin America (Smulovitz and Peruzzotti 2002).

#### **IV. Linking the state and non-state worlds**

20. Representatives of Transparency International who have been involved in the Inter-American process have steadily advocated for the establishment of mechanisms for civil society participation – an important factor in terms of regional accountability, which we discuss in next chapter.

21. There are aspects of civil society participation in the OAS-based process that have impact beyond Washington, D.C. Saliently, the legal decision and the political and institutional process that led to and followed the landmark Claude Reyes decision by the Inter-American Court of Human Rights is a powerful instance that explicitly linked human rights, anticorruption, and the consolidation of democracy (Olmedo Bustos 2009). For many advocates who had a longer-term engagement with the public interest cause, it was a milestone on a road that they or others started to walk many years ago (interviews with advocates and experts). This road, some

aspects of which are highlighted in Box 3, was paved by ideas, values, and know-how of international mechanisms. It was also facilitated by stakeholders such as OSF-LAP. For other advocates, the Claude Reyes decision marked the beginning of a possible collaboration among human rights and anticorruption advocates (Muñoz W. 2008).

#### **Box 3: FOI, anticorruption, and human rights in LAC**

Access to information provisions were considered by the negotiators of the IACC in 1996. At the time, there was no consensus to incorporate them to a regional document. Thus, no regional access to information standards was written into the Convention (Guerzovich and de Michele 2010). This omission may be one reason that, while much has been written about the campaign to promote access to information in Latin America and the landmark decision of the Inter-American Court for Human Rights in the “Claude Reyes y otros vs. Chile” (Claude Reyes y otros, vs. Chile 2006), the role of the Convention and its follow-up mechanism have often been overlooked. Still, progress in human rights and anticorruption, through the access to information case, have been historically related across the region of Latin America – if not always in law, in much practice.

On the one hand, during the first round of review, when MESICIC monitored countries’ compliance with the provision of the IACC that requires considering civil society efforts to combat corruption, the committee required state parties to report on access to information regulations. In turn, several MESICIC reports recommended countries implementing access to information regulations, such as in the case of Argentina (Committee of Experts. 2003), Chile (Committee of Experts 2004), and Uruguay (Committee of Experts 2004). The IACHR’s finding in favor of freedom of public access to information took into account anticorruption arguments and the recommendations of the follow-up process to the Inter-American Convention Against Corruption.

MESICIC or the court’s finding do not automatically produce good governance; but, according to advocates consulted, in Chile as in El Salvador, the political basis strengthened in the follow-up to the implementation of Inter-American anticorruption standards had been instrumental in developing and sustaining collective action for the access to information case.

In Peru, the political and legal follow-through of the IACC and the Claude Reyes decision through the same transnational public interest network made it more difficult to reverse accessibility to officeholders’ financial disclosure forms (interviews with officials). The Peruvian Constitutional Tribunal partly reversed a decision validating the constitutionality of the secrecy of public officials’ financial disclosure forms (Casas Chardon vs. Ministerio de Transportes y Comunicaciones 2009)

#### **V. New efforts and challenges**

22. These insights seem important as anticorruption advocates face new challenges and take advantage of new opportunities:

### *Protecting the preventive public interest agenda*

23. In the past, the region's anticorruption agenda, as institutionalized in the OAS, became more consistent with the values promoted by OSF-LAP. These networks and values also benefited from international partners, including the US government, who provided political and financial support for the endeavor on the state and non-state sides.

24. These structural features are at least partially changing. On the one hand, some stakeholders across the region interviewed for this study noted that the US government may be turning away from the preventive anticorruption agenda and moving to an approach increasingly shaped by the needs of the transnational crime and narcotics agenda (interviews with experts and donors). On the other hand, UNCAC's short- and medium-term priorities are on the criminal rather than preventive anticorruption agenda.

25. These environmental changes are likely to alter short-term incentives for all stakeholders that, for necessity and/or commitment, need to produce deliverables for these principals and processes. Intentionally or not, they will contribute in the medium term towards a more punitive anticorruption agenda that can be far removed from the open society cause.

26. In other regions of the world, in which the anticorruption agenda has been linked more closely with issues that range from security to money laundering to terrorism, the association has helped justify the opacity of anticorruption work, rather than access to information about anticorruption policy-making. Secrecy facilitates the manipulation of anticorruption mechanisms for partisan reasons as well. Discretionary manipulations of anticorruption mechanisms have increased the gaps between the human rights and anticorruption movements (on the Eastern European experience, see e.g. Guertzovich 2010).

27. These new structural challenges increase the significance of protecting what has been accomplished in the Americas. Under difficult circumstances, the real challenge for accountability constituencies who, as MESICIC's stakeholders, have achieved a measure of social breakthrough, is to take "responsibility in defending and explaining past breakthroughs, repairing breakdowns, innovating towards better outcomes, measuring results, and expanding what already works" (Light 2011).

### *Ongoing opportunities*

28. There are a number of ongoing opportunities for anticorruption advocates to deepen and protect an anticorruption agenda consistent with open society values in the region. Here, we would like to point to a specific opportunity within MESICIC that advocates have not taken full advantage of: previous evaluations of TI-LAC's Conventions Program have recommended that TI chapters collaborate with other societal actors in answering their reports. Coalition building can, among other positive effects, increase credibility within MESICIC. OSF-LAP and USAID's projects in Guatemala and the Dominican Republic have supported coalition building for this purpose as well.

29. The results of this evaluation suggest that TI chapters have increasingly led coalitions of non-governmental organizations to answer MESICIC reports. Even those who do not do so like to point to individual instances of articulation with other organizations.

30. However, deeper analysis and consultations with stakeholders suggest that result indicators disguise what is happening on the ground. The work of these coalitions is seldom the product of deep collaboration. More often, civil society organizations rubber stamp each other's deliverables (interviews with advocates and donor). Follow-up actions, which would probably be required to lever participation at home, rarely, if ever, occur.

31. On the contrary, according to advocates in the four countries visited for this evaluation, the standard procedure among different non-governmental organizations is to divide labor and work in parallel to avoid competing for recognition and resources (on the more general phenomenon see Cooley and Ron 2002; Light 2011). In practice, even when organizations outside TI's movement may be interested in collaborating with the follow-up process, the short term costs and compromises entailed in cooperation seem to outweigh medium-term benefits (interviews with advocates).

32. This means that there is much room for improvement in terms of the contribution of different members to the broader public interest movement's to the MESICIC process. The anticorruption agenda spans the governance structure of a country, hence TI chapters who participate in the Program necessarily lack much valuable information for the MESICIC process.

33. Conversely, other members of the open society network may have this information. Observation during fieldwork suggested that organizations working on budget transparency or access to information could provide information about the implementation in practice in a given country of specific provisions in the Convention by just looking at their databases. Others working on specific sectors, such as defense or education, could inform from their own daily experience whether regulations that exist in law work in practice (interviews with advocates). Academics and researchers also have valuable insights about the workings of the state. TI-LAC's Conventions Program would of course have to use its know-how to transmit the substantive information in ways that are appropriate to be influential within MESICIC.

34. While members of the organizations consulted for this study regularly exchange viewpoints and meet in national events and international seminars, the information is often compartmentalized in programmatic and organizational silos. As a consequence, many of these stakeholders are not aware of the information and lessons produced by the Inter-American system. Opportunities at the national and regional levels go untapped.

35. Many states are very interested in opening up the space to a greater multiplicity of voices than those channeled through TI-LAC's Convention Program. In Brasilia, TI-LAC, but also Grupo Cívico Ética y Transparencia" of Nicaragua; and of "Corporación Action Ciudadana Colombia," were invited to give a presentation on the subject of "Civil Society Organizations and Follow-up on Implementation of the Inter-American Convention against Corruption." States, partly thanks to TI-LAC's Conventions' Program advocacy, have opened the door to greater engagement in MESICIC by lowering barriers to access through on-site visits (see next chapter). This suggests that it may be others' turns to join the effort to take advantage of such low-hanging fruit. It may be in TI-LAC's Conventions Program and OSF-LAP's hands to start navigating the political economy dynamics that preempt this collaboration with a different set of tools.

#### *New opportunities?*

36. Finally, over the past few years, some anticorruption advocates across the world have begun to look for ways to link their efforts to those of human rights advocates. As these discussions

have unfolded, some advocates interviewed for this study have perceived these efforts as a superficial issue-linkage campaign to draw funding from specific development partners, including OSF. According to a member of a TI chapter interviewed on this matter, many times TI does "not think strategically" which linkages to pursue, but instead priorities and "hot issues" are the product of persuasion among members. Personalities and the likelihood of funding often win the case, without a systematic analysis of their likely impact.

37. Stakeholders in other regions of the world have pointed to the many factors that would make such collaboration difficult in their corners of the world, if not impossible (interviews with advocates). These factors include the different attitudes of advocates' vis-à-vis the state or the absence of basic democratic structures in place.

38. This chapter suggests, however, that the starting point in Latin America is different from what it may look like elsewhere. There is much history connecting the anticorruption effort to the open society movement, including human rights efforts. An ongoing debate has gone on over a decade among public interest stakeholders. As advocates interviewed for this study in Peru or Guatemala mentioned, this is a story that many individuals have lived, but might not be well known in the English-speaking world. There is no need to reinvent the wheel.

39. The Inter-American system can provide a basis for deeper collaboration among human rights and anticorruption advocates. In promoting this deeper cooperation, it is important to note that advocates may also be better able to relate to each other if instead of comparing and imposing expectations about human rights courts into anticorruption PRMs, they look at a closer functional equivalent such as the UN's Universal Periodic Review (UPR). As an advocate consulted for this study put it, the UPR offers human rights advocates new and different opportunities for advocacy. Much like anticorruption PRMs, the UPR can help promote national-level change through consultations and coalitions on specific recommendations.

## Chapter 5: TI-LAC's Conventions Program and MESICIC's Institutional Development

### I. What do effective anticorruption PRMs look like?

1. Anticorruption peer review mechanisms, such as MESICIC, are the rules and procedures through which states that have adopted international anticorruption standards regularly submit an account of their anticorruption policies and record, engage in dialogue with fellow states to assess the adequacy of existing commitments, and take on recommendations to handle problems of poor implementation.
2. This chapter discusses a particular feature of PRMs that scholars often associate with effectiveness, i.e., their institutional design (Koremenos, Lipson, and Snidal 2001). TI's Global and LAC Conventions Programs seem to share this premise, for they have invested numerous resources to shape PRMs' institutional designs.
3. Many of their advocacy efforts associate greater participation, transparency, and controls with more effective PRMs. Table 3 contrasts how different institutional inputs are related to different types of monitoring mechanisms.
4. This chapter maps how MESICIC's rules and procedures have evolved over the last decade, paying special attention to the goals and track record of TI-LAC's Conventions Program. A key takeaway point is that the Program's ongoing nurturing of MESICIC has paid off more than confrontational advocacy efforts.

### II. The evolution of the Inter-American anticorruption system since 1996

5. The goal here is to map how the Inter-American system has evolved over time in terms of the key features identified above. Table 4 briefly traces critical junctures in the evolution of the Inter-American anticorruption system. It shows that this regional anticorruption system has progressed over time in most, but not all, of these features. For instance, while civil society participation and disclosure have increased over time, the technical quality of the Committee of Experts' reports during the third round appear to be worse than those of previous rounds (interviews with officials).

6. A particularly important aspect of MESICIC's development is the establishment of rules that enable the ongoing participation of civil society in its decision-making process. These rules set clear conditions under which civil society organizations can present their viewpoints about the state of national anticorruption policy.

Table 3: Determinants of PRM's effectiveness

PRM's features	Effective	Ineffective
<b>Transparency</b>	High for central inputs and outputs	Low for central inputs and outputs
<b>Participation</b>	Diverse, includes key stakeholders	Limited, omits key stakeholders
<b>Controls on decision-making processes and decision-makers</b>	Strong technical, political and legal	Weak technical, political and legal
<b>Institutional Determinants of Effectiveness</b>	<b>Multiple, influential owners</b>	<b>Few, irrelevant owners</b>
	<b>Analytical reports</b> which can help promote policy changes	<b>Formalistic reports</b> which many times are not useful for policy-making purposes

Source: Guertzovich (2010)

7. While MESICIC's participation rules may not be ideal from civil society's standpoint, they make up a rule-based mechanism to open anticorruption decision-making in the region to civil society (as opposed to one in which access would be determined discretionally). These are not just rules in the books; TI-LAC activates them regularly in practice. It is a system in which openness has increased more than other similar PRMs such as UNCAC.
8. Moreover, the results of MESICIC's evaluations as well as field visits suggest that civil society organizations in the region lack similar rule-based participatory mechanisms in anticorruption decision making entities at the national level. A short-lived national-level exception was the implementation of rule-making and notice and comments procedures by the Argentinean Anticorruption Office (de Michele 2005).

9. As national-level participatory rules do not exist, TI chapters often face the dilemma of whether to participate in anticorruption processes because they might be lending their brand name to a given public official who may not commit to the anticorruption agenda over time (interviews with advocates). They also risk allegations of partisanship. At the regional level, well-known, stable rules protect ongoing, transparent contribution to an institution. This is a public good. The beneficiaries of MESICIC's participatory rules need not be participants of the Program.

### III. TI-LAC Conventions Program's influence

10. To recall the definitions presented before in this study, influence means that MESICIC's stakeholders changed their behavior responding to the information transmitted to them by TI-LAC's Conventions Program. For influence to occur, this change in behavior has to be consistent with the Program's goals and different from what would have occurred without the information they provided.<sup>15</sup>

#### *Negotiation of the IACC*

11. Individual TI members were influential in setting the agenda at the Inter-American level. They benefited from the dual position of former Ecuadorian Vice-President Dahik, who was at the same time a state and a TI representative in the negotiation table. However, influence over the negotiation seems to have waned as Dahik left both positions (see e.g. Elliot 1996).

#### *Establishment of MESICIC*<sup>16</sup>

12. Many of TI's concerns were brought to the inter-state negotiation table by states such as the US and Canada (interview with advocate). Requirements about transparency, participation, and checks did not find consensus with most states at the time of MESICIC's design. Some insiders believe that TI's proposals, as well as those of states that were perceived to be channeling them, backfired on the negotiation. There was much mistrust between many key OAS member states, the OAS, and the advocates, which did not contribute to, for instance, the disclosure of the PRM's discussions and reports.

<sup>15</sup> We are building on Betsill and Corell (2001), and Keck and Sikkink (1998).

<sup>16</sup> This section builds on the work carried out for Guertzovich (2010) and de Michele (2004).

13. However, it would be a mistake to consider, as many did, lack of short-term achievements as a straightforward failure. Member states reviewed at the beginning of their first round, including Argentina, volunteered to disclose their reports. Gradually, other members learned that the benefits of publicity outweighed the costs and voluntarily disclosed their own reports. In practice, online publication of states' answers and reports has become an unwritten but effective rule.

#### *Workings of MESICIC*

14. Over the years, TI-LAC's Conventions Program's ongoing work through the mechanism and responsiveness to the rules and procedures of MESICIC has probably contributed to its growing credibility (Vicepresidencia de Sectores y Conocimiento 2010). Prado Ortiz (2007) found that national chapters attributed their ability to follow MESICIC's rules and communicate their opinions to the explicit coordination of the Program. This work, in turn, has helped sustain a higher minimum level of transparency, participation, and checks than achieved in the PRM's original design. According to insiders consulted for this study, TI-LAC's ongoing and constructive advocacy approach is partly responsible for greater levels of transparency of the proceedings of the Committee of Experts, such as the publication of minutes of its meetings.

15. At the same time, change in the direction advocated by TI-LAC does not always help effectiveness. During the third round of reviews, MESICIC evaluated a larger number of topics than in previous rounds. Some well-intentioned accountability constituencies had put pressure to speed up MESICIC's work. MESICIC has had limited resources to cope with a bigger work load. As a likely consequence, the technical quality and depth of MESICIC's Committee of Experts reports has diminished. This is an example of the way in which the perfect can become the enemy of the good within this framework.

#### *Recent reforms of MESICIC*

16. The Third Conference of State Parties in Brasilia in 2010 opened a window of opportunity to advocate for improvements in the institutional design of MESICIC. TI-LAC's Conventions Program did so once again. Many of the points in TI's proposal were channeled through or by state actors in the negotiation. Only some of them, including the

possibility of on-site visits, were adopted by the states. But we should note that on-site visits were embraced by key insiders for a number of reasons. Some state representatives have been influenced by TI-LAC's Conventions Program. Others were driven by their own desire to improve the workings of the MESICIC, or persuaded by other state officials (interviews with public officials).

17. In short, civil society organizations often have had less direct influence over the design of PRM's rules than they like to claim. Confrontations and grandstanding rarely paid off. Non-governmental organizations often need to be at the site of negotiations to sustain their institutional space and achievements, but their influence often happens through other, less visible, ways and means. Among these are:

#### *Building alliances within the interstate system*

18. Sometimes, state representatives and members of the secretariat act as a more effective voice of civil society organizations' concerns within the interstate system than advocates do on their own.

19. At the same time, building these alliances seems to produce arguments and outputs that speak to government representatives. The feasibility of TI-LAC's Program proposals and their consistency with the rules and procedures of the OAS has affected the likelihood of positive interactions (interview with government expert).

20. It also requires sustaining a difficult equilibrium: CSOs need to be careful about potential collusion or perceived collusion with state actors (interviews with stakeholders). Clear rules, lack of state funding for CSO's activities, and technical contributions seem to help stakeholders build a space in which they can agree to disagree in order to move anticorruption systems forward.

#### *Multiplying institutionalized precedents through cross-fertilization*

21. This mechanism was discussed in a previous chapter, looking at cross-regional developments.

#### *Shaping the operation of written rules through their daily actions*

22. CSOs' participation, the role of the shadow reports and presentations, and transparency, have grown, rather than reversed, partly thanks to TI-LAC's Conventions Program work to nurture the institutional space it had following the rules of the

game day in and day out (interviews with government officials). This constructive work has contributed to ensure that these achievements are not undone over time.

#### **IV. Rethinking PRM advocacy**

23. Progress in the Inter-American system's PRM has been a slow-moving process in which TI-LAC and OSF-LAP invested resources. These resources are and will continue to be limited. So it seems wise to rethink which activities fit the gradual, context-informed approach to change that has paid off for the PRM and which ones may not.

#### *Transnational reform efforts need to fit the context*

24. Transnational efforts are more likely to be effective when they deploy tactics that fit the context in a transformative fashion. TI-LAC's Conventions Program has learned to work the rules of the MESICIC game – even those that are costly. During the third round of evaluations, the Program Coordinator vetoed the presentation of a chapter's shadow report. While the decision may reflect weaknesses of the operationalization of the Program in a specific instance, i.e., a result, we should not overlook the bigger picture. A minimum level of technical quality has become internalized as key to sustaining credible participation in the regional process (i.e., a condition for its effectiveness and impact).

25. Still, not all components of the Program fit well within the context in a transformative manner. The Program has invested many of its resources to voice the concerns of its Venezuelan chapter. As Box 4 discusses, this focus may be granted. However, many inside the intergovernmental system perceive that it is not consistent with the intergovernmental nature of MESICIC or with the idea of treating all participants equally. Insofar as the focus does not fit with the context, the effort has not been effective. The approach may have costs that need to be carefully gauged for the Program as a whole and for the rest of the countries in the region.



**Table 4: Determinants MESICIC’s effectiveness, over time**

	IACC	First Round	Second Round	Third Round
<b>Transparency</b>	<b>Questionnaires:</b> Not Available	<b>Questionnaires:</b> Disclosed	<b>Questionnaires:</b> Disclosed	<b>Questionnaires:</b> Disclosed
	<b>Answers and other sources:</b> Not Available	<b>Answers and other sources:</b> Mostly Disclosed	<b>Answers and other sources:</b> Disclosed	<b>Answers and other sources:</b> Disclosed
	<b>Evaluation and progress reports:</b> Not Available	<b>Evaluation and Progress Reports:</b> Voluntarily Disclosed	<b>Evaluation and progress reports:</b> Voluntarily Disclosed	<b>Evaluation and Progress Reports:</b> Voluntarily disclosed
	<b>Deliberations:</b> Undisclosed	<b>Deliberations:</b> Undisclosed	<b>Deliberations:</b> Undisclosed	<b>Deliberations:</b> Undisclosed, but reports are disclosed
	<b>Periodic activity reports:</b> Not Available	<b>Periodic activity reports:</b> Disclosed	<b>Periodic activity reports:</b> Disclosed	<b>Periodic Activity Reports:</b> Disclosed
<b>Participation</b>	<b>State actors:</b> generally appoint diplomats, lacking particular anticorruption or related competences.	<b>State actors:</b> generally appoint public officials with particular anticorruption competences. States rarely involve other public officials who may have specific competences relating particular matters under review. This feature creates bottlenecks for key stakeholders buying into the process. Judicial and legislative stakeholders are not approached.	<b>State actors:</b> generally appoint public officials with particular anticorruption competences. States rarely involve other public officials who may have specific competences relating particular matters under review. This feature creates bottlenecks for key stakeholders buying into the process. Judicial and legislative stakeholders are not approached.	<b>State actors:</b> generally appoint public officials with particular anticorruption competences. States rarely involve other public officials who may have specific competences relating particular matters under review. This feature creates bottlenecks for key stakeholders buying into the process. Judicial and legislative stakeholders are not approached.
	<b>Non-governmental organizations, universities, professional associations, journalists, and others:</b> little involvement.	<b>Non-governmental organizations, universities, professional associations, journalists, and others:</b> started answering shadow questionnaires in some countries. Several reports did not meet the rules set by the Inter-American System.	<b>Non-governmental organizations, universities, professional associations, journalists, and others:</b> regularly answer shadow questionnaires in most countries. One report did not meet the rules set by the Inter-American System. NGOs briefly present findings during the Committees Meetings.	<b>Non-governmental organizations, universities, professional associations, journalists, and others:</b> regularly answer shadow questionnaires in most countries. One report did not meet the rules set by the Inter-American System. NGOs briefly present findings during the Committees Meetings.
	<b>Regional bodies:</b> The OAS had a relevant but, during most of the period, timid role promoting the negotiation and implementation of the Convention. The Group of Probity was active around 1994 and again around 2000.	<b>Regional bodies:</b> The Secretariat has a key role defining questionnaires and drafts reports that will be adopted by the Committee of Experts. It is not required, nor does it provide additional sources of information such as news or analytical reports – even those produced by the OAS itself. The Conference of State Parties met in Washington D.C., in April 2004, when it does it has the prerogative to make important decisions.	<b>Regional bodies:</b> The Secretariat has a key role defining questionnaires and drafting reports, and disclosing information, as well as in the processes to elaborate action plans. It is not required, nor does it provide additional sources of information such as news or analytical reports to the Committee of Experts – even those produced by the OAS itself. The Conference of State Parties did not meet for a number of years.	<b>Regional bodies:</b> The Secretariat has a key role defining questionnaires and drafts reports, disclosing information as well as in the processes to elaborate action plans. It is not required, nor does it provide additional sources of information such as news or analytical reports Committee of Experts – even those produced by the OAS itself. The Conference of State Parties met in Brasilia in December 2010(MESICIC 2010).
	<b>International cooperation actors:</b> Most remained detached from the process. The IADB funded some studies (OAS 2001; OECD 2002; OAS 2008, 2008)	<b>International cooperation actors:</b> Selected countries and OSF supported particular activities. The UN process appears as a competitor, for some states and issues so does the OECD process.	<b>International cooperation actors:</b> Selected countries and OSI supported particular activities. The IADB and the OAS sign a MOU.	<b>International cooperation actors:</b> Selected countries and OSI have supported particular activities. The IADB has recently included the process as an important component of its anticorruption strategy.
	<b>International experts and consultants:</b> They may provide specific inputs, including drafting specific action plans. Some state representation is outsourced.	<b>International experts and consultants:</b> They may provide specific inputs, including drafting specific action plans. Rarely is state representation outsourced.	<b>International experts and consultants:</b> They may provide specific inputs, including drafting specific action plans. Rarely is state representation outsourced.	<b>International experts and consultants:</b> They may provide specific inputs, including drafting specific action plans. Rarely is state representation outsourced.

Continues on the next page

	IACC	First Round	Second Round	Third Round
<b>Controls on decision-making processes and decision-makers</b>	<b>Technical:</b> Non-state actors did not provide technical expertise.	<b>Technical:</b> Non-state actors unevenly provided technical expertise through their reports.	<b>Technical:</b> Non-state actors have increasingly, provided technical expertise through their reports. Complex provisions are not always conducive for deep reviews by evaluators, state representatives, and the secretariat.	<b>Technical:</b> some non-state actors have increasingly focused on sustaining the quality of their reports. Large numbers of provisions and countries analyzed in a given period of time are not conducive for reviews by evaluators, state representatives, and the secretariat.
	<b>Political:</b> Collective action among member states is limited to specific negotiation periods.	<b>Political:</b> Collective action among member states is limited. The Conference of State Parties did not meet regularly; the Committee of Experts did not discuss regularly political questions. In practice, this situation empowered the secretariat and the status quo.	<b>Political:</b> Collective action among member states is limited. The Conference of State Parties did not meet regularly; the Committee of Experts did not discuss regularly political questions. The President of the Committee of Experts: had short tenures which limit their internal and external voice. In practice, this situation empowered the secretariat and the status quo.	<b>Political:</b> Collective action among member states is limited. The Conference of State Parties does not meet regularly; the Committee of Experts does not regularly discuss political questions. The Presidents of the Committee of Experts have had short tenures which limit their internal and external voice. In practice, this situation has empowered the secretariat and the status quo.
	<b>Legal:</b> Stakeholders are bound by international law-making procedures.	<b>Legal:</b> Stakeholders are bound by international law-making procedures and substance.	<b>Legal:</b> Stakeholders are bound by international law-making procedures and substance.	<b>Legal:</b> Stakeholders are bound by international law-making procedures and substance.
<b>Institutional Determinants of Effectiveness</b>	<b>Owners:</b> only some state actors and advisors.	<b>Owners:</b> only some state actors and advisors.	<b>Owners:</b> become more diverse, bringing in different sources of legitimacy and capabilities to the process.	<b>Owners:</b> are diverse and bring in different sources of legitimacy and capabilities to the process.
	<b>Outputs:</b> very little information about compliance, implementation, and effectiveness – generally related to criminal measures.	<b>Outputs:</b> a major surge and systematization of information about compliance and implementation. Reports reproduce a mix of different answers to the questionnaires following a formulaic procedure. They summarize, sometimes superficially, information about inputs and outputs regarding specific actionable policy areas and provide evidence about systemic interactions. Recommendations do not prioritize among short-, medium-, and long-term reforms. Countries and reports start to inform about reform processes beyond evaluation moments.	<b>Outputs:</b> The nature of the reports does not change substantially.	<b>Outputs:</b> increasingly, shallow formalistic reports are perceived as not very useful for policy-making purposes, ranking countries, or attracting non-specialists.

Source: Guertzovich (2010)

*Transnational reform efforts need to be anchored institutionally*

26. TI-LAC’s participation in MESICIC is valuable, among other reasons, because it creates a legal institutional savings account for local efforts. As a staff member of a local chapter put it, putting together and presenting shadow reports creates technical capabilities as well as political resources which are readily available to be used as soon as windows of opportunity open up. The regional process has been shown to have greater stability than most national-level advocacy projects, which are born with short-term expiration dates. As a consequence, the returns on MESICIC’s investments are much more stable than most national

constituencies would have been on their own (Guertzovich 2010).

27. At the same time, MESICIC itself needs to be anchored institutionally, that is, it needs to be internalized into stakeholders’ actions in such a way that the benefits of ongoing participation or the costs of leaving grow over time (Guertzovich and Giraudy 2011). The point is to create a dynamic so that that it becomes unthinkable for all stakeholders, but particularly the state’s key decision-makers, to walk away.

28. There are different ways to change this inter-temporal cost/benefit calculation. One that has worked in MESICIC’s context is the growth in the number of participants who have incentives to

become repeat players. As an insider interviewed for this evaluation put it, there may have been doubts about the continuity of the PRM in the next years as UNCAC's review became a reality. When in 2010 more states in the continent decide to join in and more civil society organizations are interested in us, the costs of dismantling the process for everyone grow.

#### Box 4: Trade-offs in the regional strategy

TI-LAC's strategy vis-à-vis MESICIC since 2006 has been strongly shaped by the situation of Venezuela. Transparencia Venezuela's inability to present its shadow report to the Committee of Experts during the second and third rounds of review has become a steady advocacy issue for TI-LAC, informed other chapters' expectations, and shaped broader dynamics and recommendations that encompass all countries in the region. The development of a "Semáforo de implementación de las Recomendaciones" for the Venezuelan context, where antagonistic relationships between the chapter and the government prevail, was set as a model that could easily be replicated elsewhere. A one-size-fits-all model in the anticorruption world raises a red flag (Parker et al. 2004).

If we think democratic governance matters, we should think hard before transplanting strategies across polities that have different types of political structures without adaptation. These advocacy strategies, as some TI chapters seem to perceive, are unlikely to work, and may even backfire for civil society organizations who work to deepen societies which are already more open through the implementation of the IACC.

In order to consider providing a full rationale for keeping Venezuela at the center of a regional anticorruption advocacy strategy, we should consider multiple strategic factors that are not the object of analysis here. For instance, providing resources to civil society organizations so that they can survive in a hostile environment can be, as noted by Prado Ortiz (2007), as important as effectiveness.

The general point, however, is that any regional programming in the future should, at minimum, start explicitly considering the trade-offs entailed in equilibrating within a single regional approach the very distinct needs of chapters working in different types of governance structures, instead of seeking a one-size-fits-all type of solution, as seems often to have been the case in the past. At the regional level, this may mean considering how the full range of institutions and instances within the Inter-American System, including the General Assembly or the Inter-American Court of Human Rights, may be used more and more effectively than MESICIC to deal with related but more structural issues such as the voices of Transparency International chapters' within countries and the OAS.<sup>17</sup>

<sup>17</sup> The work done by the Program and a more encompassing set of partners in the region regarding Resolution AG/RES. 2612 (XL-O/10)—"Increasing and Strengthening the Participation of Civil Society and Social Actors in the Activities of the Organization of American States and the Summits of the Americas Process," of course is an interesting precedent in this direction. See Brown (2010).

29. With this logic, it may seem reasonable to try to exponentially grow the Program and MESICIC's constituency through a communication strategy that reaches a whole generation of Latin Americans. TI-LAC set for itself this goal, consistently with the recommendations of many chapters collected in the previous evaluation of the Program (Prado Ortiz 2007). And yet, a political economy analysis of concrete experiences suggest the approach is unlikely to help anchor MESICIC. As Box 4 discusses, evidence shows that such broad communication strategies have problems issuing a call to action at home, and probably more with engaging citizens in policy-making.

30. In the quest for a communication strategy for the masses, the Program has not been successful articulating a meaningful public policy strategy. This strategy and its concrete impact might be more effective communication tools than any other (interview with advocates).

31. The message is more likely to pay off if it is aimed at core constituencies, including other non-governmental accountability organizations that are not providing technical and political resources they already own to the collective effort. In recent MESICIC evaluations, shadow reports managed to create discussions about the appropriateness of governments' anticorruption efforts by citing information from a national audit and the budget. As discussed in the previous chapter, non-governmental organizations working with budgetary process are sometimes more likely to have this information readily available than TI chapters. Many civil society organizations outside the TI movement, however, do not seem to be aware about their plausible contribution, or how existing OAS standards could help their own efforts (interviews with advocates).

32. Some stakeholders interviewed for this study have argued that the funds invested through the Conventions Program in communication efforts have been marginal (interviews with advocates). They may be right in terms of money, but may be less so in terms of political capital. The problem we need to start thinking about more seriously is not monetary. By furthering inconsequential strategies in the short term, advocates are undermining the anticorruption cause's institutional development. Even more, as government officials and donors notice inconsequential short-term strategies time and time again, the political capital and institutional credibility

of TI and the broader anticorruption movement suffers as well (interview with donor)

**Box 5: The limits of communication tactics**

Across Latin America, many stakeholders have invested a large number of resources to communicate the anticorruption cause. The Mexican case is probably the most salient one. Since 2002, in addition to the state, two major private-sector stakeholders (Consejo Para la Comunicación and Fundación Televisa) have invested millions to implement strategies that seek to communicate anticorruption messages to different segments of the public (see, e.g. Consejo de la Comunicación 2008, 2010; Fundación Televisa 2011). Collectively, these campaigns had the support of multiple stakeholders, including a president and public officials, The World Bank, Transparencia Mexicana, and dozens of the most important corporations in the country. Important filmmakers and well-known advertising agencies competed and lent their creativity to produce messages that were transmitted through every possible printed, audio, electronic, and online medium available. CDs and other merchandising products have been distributed across the country with an anticorruption message, including the Consejo para la Comunicación's, "You, don't stay quiet, raise your voice," inciting young Mexicans to denounce acts of corruption (Consejo de la Comunicación 2010).

From a communication standpoint, many, if not all, of these campaigns had the conditions to be successful and were so. Research suggests that people remember their creative anticorruption messages as well. *To live values*, a book produced and sold by Fundación Televisa, is one of the country's best-sellers, and the message was included in a widely-seen Mexican soap opera (Fundación Televisa 2011).

However, advocacy efforts in the framework supported by OSF-LAP and many others are much more ambitious. They seek to communicate to issue a positive call to action. A study about the government's *Cineminutos contra la Corrupcion* paints a less optimistic picture. Citizens perceived a very different message than the one portrayed by the campaign potentially producing counterproductive results (Corduneanu, Guerrero, and Rodríguez-Oreggia 2005). Moreover, communication experts consulted for this study acknowledge that the best-designed campaign, with every resource available, will not produce a call to action outcome on its own. A policy strategy needs to be articulated not only to ensure that a call to action happens, but there are also appropriate institutional means to channel it and avoid disappointment.

Source: Author

## Chapter 6: Using International Conventions to Bring about Domestic Change

### I. Societal accountability, international anticorruption conventions, and policy-making

1. OSF-LAP's theory of change values international anticorruption conventions as inputs to activate anti-corruption policies in domestic systems. From this starting point, the follow-up of a PRM's policy recommendations is the most decisive phase of the whole review process. This is the phase that may lead to the realization of expected outputs. For advocates in the MESICIC context, this phase requires integration of the work carried out for regional reviews, which occurs once every 3 or more years, with national follow-up initiatives that can be carried out on a daily basis.

2. Over the past five years, TI-LAC's Convention Program has tried to complement its regional focus with activities aimed at promoting national level advocacy. Creating incentives so that TI's national chapters used the products of their regional work when they went back home appeared to be the next step of the Program (Prado Ortiz 2007).

3. Years later, OSF-LAP as well as other donors have supported Conventions' related activities in selected countries, such as the organization of events and production of indicators. Still, the question remains: given limited resources available, does tying resources for national level work to international conventions pay off more in terms of policy changes than directly supporting individual civil society monitoring at the national level?

4. This chapter summarizes findings from research to answer this question, moving away from result indicators and looking at effectiveness over policy outcomes. Hence, the chapter will not only look at

what TI chapters did within the narrow framework of the Conventions' Program. It also discusses actions and processes that may have affected the implementation of the different substantive provisions included in the conventions. This bigger picture approach illuminates the limits and/or untapped opportunities of working to influence change through engagement with the OAS, MESICIC, and Latin American civil society.

5. The preventive anticorruption policy agenda is too broad to discuss here with limited time and resources. Thus, we concentrate on two anticorruption systems: Policy-making Accountability Systems and Conflicts of Interests Control Systems. Core institutions and administrative procedures in these two systems are key to ensuring that the daily exercise of authority is consistent with open society values (Ackerman 2000; Rose-Ackerman 2005). Consultations with TI chapters across the region, including Colombia, Peru, Guatemala, and Mexico, revealed that these systems have been the object of their work. MESICIC has reviewed the developments of these mechanisms since its first round, i.e., for over a decade.

### II. TI-LAC's Conventions Program: navigating two worlds

6. A goal of this chapter is to test the OSF-LAP's theory of change. We identify two abstract types of strategies to help us organize and compare information about a broad range of societal advocacy activities (Guerzovich 2010). These are shock therapy and gradual strategies which are presented in Table 5.

Table 5: Strategic approaches

	GRADUALISM	SHOCK THERAPY
<b>POLITICAL RESOURCES AND INFLUENCE:</b>	Search for endogenous political resources and influence inside the system	Search for political resources and influence outside the system
<b>GOALS</b>	Perfectible goals that can be delivered	Perfect goals that cannot be delivered
<b>TIME</b>	Time actions taking into account multiple, existing policy cycles	Rush, imposing an exogenous timetable (e.g., looking at the timing of activities that reactively follow external deadlines)
<b>ASSOCIATED WITH, E.G.</b>	OSF-LAP's Theory of Change	TI's historical Theory of Change
<b>OPERATIONALIZED THROUGH, E.G.</b>	Anticorruption Convention-Related Programming in democratic societies	National advocacy programs and projects applied in democratic and authoritarian societies

Source: Adapted from Guerzovich (2010)

### *Shock Therapies: TI's toolkit*

7. The essence of a shock therapy strategy is to impose anticorruption change through short, sharp shocks. The prescription is that civil society organizations should have a conflictual approach towards the perverse status quo that reproduces corruption. The assumption is that advocates will be able to lever sufficient power so that their preferred course of anticorruption action can be, and is perceived to be, steadfastly applied.

8. Many stakeholders in the TI movement believe that a shock therapy strategy served chapters well to accomplish general goals such as raising awareness about the perils of corruption and shaming in the 1990's or acquiring resources to develop and produce measurement tools. As a consequence, they tend to promote the application of the same approach today.<sup>18</sup>

### *Gradualism: OSF-LAP's theory of change*

9. OSF-LAP's support of international conventions was adopted, developed, and funded over the last decade. That is, the strategy came about under different contextual conditions than TI's approach (see Table 6 simplifying some of these changes).

10. The theory of change underlying OSF-LAP's work is more closely associated with gradualism than that of TI. OSF-LAP's strategy pays attention to contextual features (as opposed to specific actors and actions), deeper causes (as opposed to superficial factors), and feedback loops over time (as opposed to contingent one-shot dynamics).

11. Its presumption is that in democratic societies, civil society organizations are unlikely to bring about meaningful change unless they engage other actors, institutions, and open-ended processes in a critical yet constructive manner (see Box 4, also Guertzovich 2010). Consequently, its gist is to bring about change step by step over time.

---

<sup>18</sup> For instance, an early positive evaluation of TI's latest "star," Advocacy and Legal Advice Centers (ALACs) consistently concludes that: "the curative aspects of ALAC's work can be better linked to civic awareness by deliberately seeking to expose high profile cases ... It is this type of case that draws media attention and the correlation between press coverage, public interest and the pressure to resolve corruption issues has already been drawn. Until proven otherwise, a 'name and shame' strategy is still one of the more effective deterrents in most countries" (McCarthy 2005: 22).

### *TI-LAC's Program mediating role*

12. From this starting point, TI-LAC's Convention Program often acts as a conduit trying to mediate between two alternative worldviews. For one of its partners' strategies, OSF-LAP, conventions make sense as a component of a broader gradual theory of change. For others, TI national chapters, international anticorruption conventions (which are part of the status quo) fit uneasily with their broader framework of action.

13. Evidence about the changes of the preventive anticorruption systems (policy-making accountability and conflicts of interests controls) in the four Latin American countries mentioned above will help uncover whether either one of these worldviews is better able to capture and affect how anticorruption, broadly understood, advances in the current Latin American context.

### **III. The target of OSF-LAP/TI-LAC's partnership**

14. In order to evaluate whether short, sharp shocks or OSF-LAP's gradual strategy are better able to bring about change, it is important to clarify what change is at the national level. For the outputs expected by OSF-LAP/TI-LAC Program to ensue, the choice of form should follow the functions pursued, the strategies and tactics should follow purpose, and the driver should follow destination, not vice versa (Light 2011).

15. While there is room for idealistic advocacy, for this evaluation, and as agreed by OSF-LAP and TI-LAC in the Programs' documents, advocacy ultimately seeks to improve anticorruption politics and policies in domestic systems. Yet the strategic approaches described above do not match on this matter. OSF-LAP's gradual approach assumes that advocates pursue reform interventions that aim to strengthen the institutional and policy basis of open societies, but anticorruption policies and institutions are not the main thread driving most chapters' advocacy efforts (see Box 7). According to a Peruvian advocate interviewed for this study: "even if it is written into the grant, you cannot presuppose that an NGO is devoted to promoting anticorruption policy."

16. In terms of this evaluation, this finding from field work has a series of implications. Looking to the past, we can look at the effects TI-LAC's Conventions Program has had on generating new chapters' capabilities, so that they can produce outputs for an

intergovernmental PRM concerned with implementing public policies.

17. At the same time, we will need to look at a broader range of drivers of policy change than TI chapters, in order to understand whether shock therapies or gradualisms pay off relatively more on the ground for the objective at hand. Looking to the future, collaboration will call for bridging these gaps in terms of strategies, ends, and tactics.

**IV. TI-LAC’s Conventions Program as a means to build chapters’ capabilities**

18. Right after the establishment of MESICIC, many stakeholders, including country experts, regularly pointed to Latin American civil society organizations’ scarce technical knowledge of the anticorruption policy-making legal infrastructure within their own countries (see e.g. de Michele and Baragli 2002).

19. Technical capabilities are key to answering MESICIC’s shadow reports, a central and steady output of TI-LAC’s Conventions Program over the last decade. These capabilities are valued by PRMs’ stakeholders as necessary, albeit not sufficient, sources of credibility and constructive contributions to the follow-up process. As a previous evaluation of the Program’s outputs suggests, civil society reports that meet certain technical standards may be more likely to influence the PRM’s reports (Peñailillo López 2008). Most government experts who create those reports believe that civil society reports are useful. Experts particularly value shadow reports that provide well-supported evidence about the context in which the IACC is being implemented as well as information that is different from that provided by the state (Vicepresidencia de Sectores y Conocimiento 2010).

**Table 6: Contextual changes**

	1990s	2000s	2010s
<b>INTERNATIONAL</b>	No international standards	Some international legal standards. Overwhelming number of benchmarks and indicators.	International legal standards are sustainable
<b>NATIONAL</b>	Dormant and/or nonexistent anticorruption institutions	Awakening and new anticorruption institutions.	Multiple institutions with anticorruption competences
<b>INTRANATIONAL</b>	Anticorruption as a catch-all general term	Discussions among proponents of horizontal and sectoral approaches to anticorruption.	Anticorruption as a set of actionable horizontal and sectoral policies

Source: Author

### Box 6: Open societies and advocates' strategic choices

Keck and Sikkink (1998) developed a model that captured how domestic organizations making rights claims were using international resources to bring about domestic change. They argued that powerless activists, faced with repression and institutional blockage at home, often seek out allies in the international arena. In some cases, through transnational advocacy networks, activists are able to bring external pressure to bear on their unresponsive government to carry out actions that local activists could not get the government to take in the first place on their own. Accountability politics are some of the main mechanisms through which these activists find their way around. For instance, advocates get unresponsive governments to talk the talk of international legal standards and then rhetorically entrap them to transform their words into deeds. The efforts of Argentinean and Chilean human rights activists to overturn authoritarian rule, which many of the readers of this study know well, are classic examples of this “boomerang effect” (also see Risse-Kappen, Ropp, and Sikkink 1999). This model helps capture how activists often imagine their work can have impact (also see Galtung 2000). Many Latin American activists, in fact, seem to have had this shock therapy model in mind when thinking how the IACC should help them out to produce reforms individually and regionally. They often expect to draw on IACC leverage to bring external pressure to bear on their government to carry out domestic political change. It may explain why some think that the Conventions process is only worth as much as the US government thinks it is (interview with activist).

These activists tend to draw on gaps between international words and domestic actions. This is probably one of the reasons why many of these activists would like to see an international anticorruption body that has the power to issue sanctions (see e.g., Transparency International 2006). Concrete projects suggested as a good practice, by the Conventions Program, such as the production of a reports and “Traffic Light,” can put this logic to work by showcasing and diffusing the number of MESICIC’s recommendations with which a country has complied.

The boomerang model is a powerful analytic device, but it does not travel well to the domestic/international context in which the Convention Program generally operates, i.e., where certain minimal democratic procedures, such as reasonably competitive elections and basic civil liberties, exist at the domestic level or when the international institution is a PRM rather than a court.

The contexts for human rights and anticorruption reform in democratic polities do not look like those in authoritarian polities (Saba 2002; Zalaquett Daher 2008). While international channels and spaces continue to provide opportunities, in open societies, activists face a different political and institutional landscape. Rights activists face a different set of opportunities and constraints. Bypassing domestic opportunity structures no longer appears as the first or only choice (Sikkink 2005). So, for instance, national courts, legislatures, and the administration open new channels for advocacy. The functions and effectiveness of international anticorruption legal instruments also change (Guerzovich and de Michele 2010; Guerzovich 2010). Strategically, in terms of theories of change, democracy often implies that gradualism is likely to be at work.

Source: Author

### Box 7: What does Advocacy mean for TI chapters?

Advocacy work is often associated to short-term deliverables ranging to monitoring tools and indicators, to events and other diffusion mechanisms. There are many plausible reasons why TI chapters and other organizations do not put public institutionality center stage in their daily activities. This box presents some of these reasons. In Latin America, the linkage between the human rights and anticorruption movements discussed in a previous chapter may have influenced some who have a persistent resentment of states with authoritarian histories (Basombrio 2005). In fact, early on, many TI chapters were averse to engaging authoritarian state apparatuses and corrupt governments.

Integrity pacts – which originally bypassed the state and did not seek legal form – and the Corruption Perception Index were TI’s most important tools, and they fitted with this approach (see e.g. Eigen 1995; Moreno Ocampo 1993). For an advocate interviewed for this study, avoiding policy goals may be the product of a deep belief that civil society organizations should have a direct, unmediated impact on problems. Interviewees in the four national chapters visited revealed that short-term pocketbook issues and the need to attain media visibility generally determine programming and activities (also see Cooley and Ron 2002; Tandon 1999). Inside the movement, the production of tools such as Corruption Perception Index, Bribes-Payer Index, National Integrity Systems, Global Corruption Barometer, International Anticorruption Conference, Integrity Pacts, Advocacy and Legal Advice Centers, or Global Corruption Report are perceived as having contributed to TI’s branding and guaranteed the organization’s survival (Fontoura and Soares 2008).

20. Over the last years, TI-LAC’s Program has invested resources to improve the chapters’ technical capabilities. It has monitored, on an ongoing basis, chapters’ work, and made sure outputs were relevant for the MESICIC context in which deliverables would be deployed.

21. Prado Ortiz’s (2007) evaluation of the Program found that national chapters value the technical insights, support, and technical advice provided by the Program in the elaboration and presentation of shadow reports, which may suggest TI-LAC’s Program has created new technical capabilities. A parallel evaluation being carried out by the Inter-

American Development Bank will provide more systematic information on this point.

22. Improvements in technical results in MESICIC shadow reports, however, do not seem to have a clear-cut impact on the technical capabilities of other products produced by TI chapters. During fieldwork, it was common to hear among anticorruption stakeholders (including advocates) that the technical capabilities of non-governmental organizations working on anticorruption and accountability at the national level, including TI chapters, need to be strengthened.



## V. The pathway towards policy impact

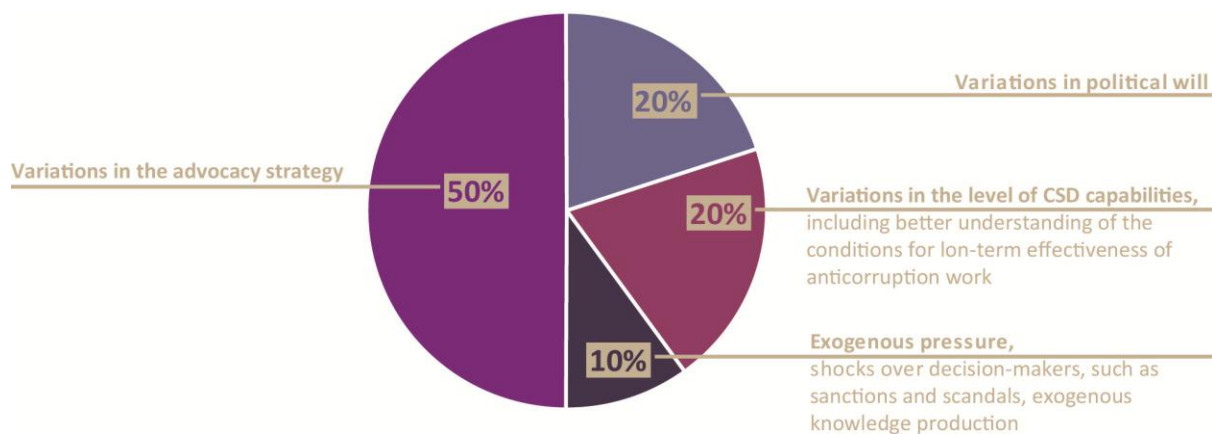
23. This subsection looks at the drivers of policy change in the region to test whether OSF-LAP's theory of change captures how international instruments help achieve anticorruption policy outcomes. To preview the findings, the evidence collected through fieldwork suggests that OSF-LAP's theory of change captures the way in which anticorruption, broadly understood, advances in the current Latin American context. Gradualism has guided both state and non-state actors promoting concrete anticorruption and accountability reforms. In fact, these kinds of strategic choices seem to be more important determinants of TI chapters' self-perceived successes and failures than other factors (see Figure 3). At the same time, pro-reform stakeholders within the state apparatus are the main users of international instruments.

24. Research in Guatemala, Peru, Colombia, and Mexico also helps to exemplify the simplified pathway through which gradualism guides reform efforts (Figure 9, also see Guertzovich and Giraudy 2011):<sup>19</sup>

---

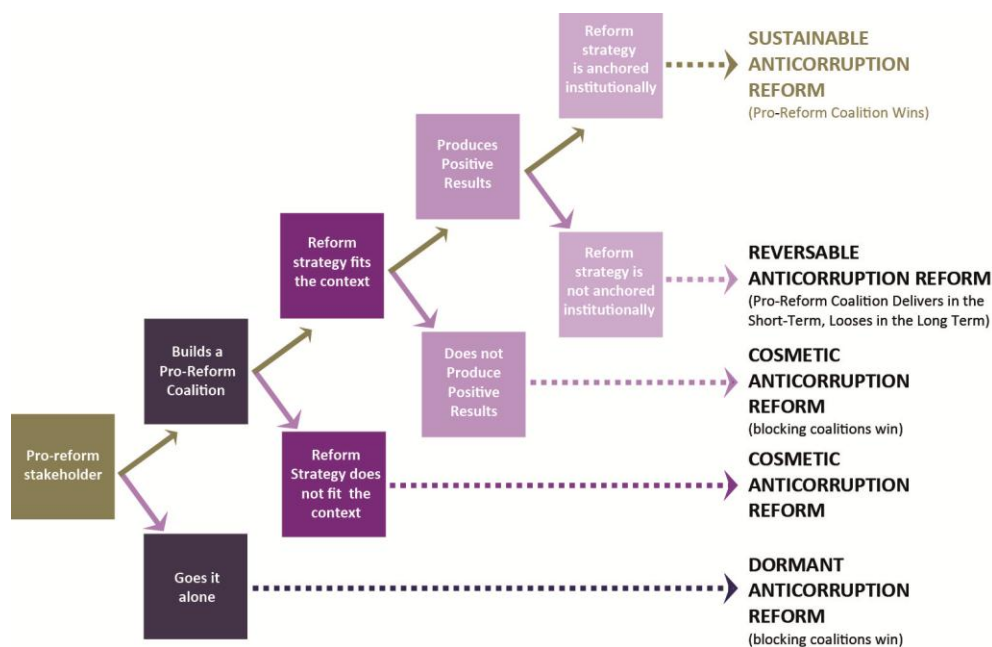
<sup>19</sup> Of course, reality is less clear-cut, and feedback across these components of the "sequence" occur quickly. The pathway is anything but orderly. Analytic devices such as this one or others used throughout this document are tools to help organize and communicate the study of these complex processes.

Figure 3: Chapters' perceptions: what explains advocacy successes and failures



Source: Author

Figure 4: The How-To Pathway



Source: adapted from Guertzovich and Giraudy (2011)

*Rely on a powerful coalition and internalize political capital:*

25. The implementation of anticorruption standards faces powerful blocking coalitions. In all societies, there are stakeholders with vested interests who stand to lose from reforms. Many countries across the region, including Peru and Guatemala, have put obstacles to the implementation of access to information regulation and undermined the development of effective conflicts of interests control systems (interviews with activists and public

officials). The odds of success of atomized activists and organizations vis-à-vis these blocking coalitions are slim. A single TI chapter's work is often insufficient to scale and sustain effective change of these policy systems.<sup>20</sup>

<sup>20</sup> On accountability coalitions and more decentralized mechanisms, see Johnston and Kpundeh (2004); Smulovitz and Peruzzotti (2000, 2002), Guertzovich (2010); Andrews, McConnell and Wescott (2010); Guertzovich and Giraudy (2011), among others.

26. For instance, there have been positive outputs in the region in terms of access to information (a component of policy-making accountability systems). Table 7 provides a quick glance at selected aspects of these changes.

27. These changes were promoted by formal and informal coalitions. These coalitions included advocates, but broadly understood, they also encompassed other well-placed actors in the targeted policy realm. A small group of elite media professionals and academics (Grupo Oaxaca) in Mexico, the Peruvian Press Council (including a group of media owners), and a longstanding advocacy movement and legislative entrepreneurs in Guatemala were able to promote strong access to information statutes because they owned or were able to capture relative power or influence vis-à-vis blocking coalitions. Alliances with the media and officeholders, which have been inconsistent but significant drivers of reform across the region, projected these advocates' pressures into competitive political arenas. They eventually obliged presidents who lacked control of the legislatures and legislators to enact statutes.<sup>21</sup>

**Table 7: Selected aspects of the policy-making accountability system, access to information**

<b>Colombia</b>	Weak Access to Information Law in the Books (Michener 2010). Global Integrity (2009) scores point to a major gap between the law in the books and the law in practice. MESICIC recommended strengthening the mechanisms to supply public information.
<b>Guatemala</b>	Moderately Strong Access to Information Law in the Books (Michener 2010) Implementation appears to be gradual and uneven. According to interviewees, most stakeholders appear to request information about public officials' salaries.
<b>Mexico</b>	Strong Access to Information Law in the Books (Michener 2010), ex officio public information available through the internet and existence of processes established to respond to and process information requests. Institutional capacities are weaker (Cejudo, López-Ayllón, and Ríos Cázares 2010). According to interviewees, information related to the control of corruption might be among the most unlikely to be accessed.
<b>Peru</b>	Moderately Strong Access to Information Law in the Books (Michener 2010). According to MESICIC, implementation is uneven across public entities.

<sup>21</sup> See, Michener (2010) which was corroborated through fieldwork.

28. In those cases, such as Guatemala, that adopted regulation more recently, international partners and standards were important sources of political leverage (interviews with public official and activist). The weakness of the 1985 Colombian statute, on the other hand, may reflect that its proponents could not lever international standards or build coalitions with external allies. The example suggests that coalitions can have transnational sources of power, an issue already discussed in relation to the adoption of other access to information statutes, OSF-LAP's networks and MESICIC in the region in chapter 4.

29. Relying on a formal or informal powerful and influential transnational pro-reform coalition may seem a tall order, and yet this alone is unlikely to suffice.

#### *Deploy tactics that fit and transform the context*

30. In the anticorruption world, reform proposals that may be technically sound fail time and time again. Effective (not necessarily ideal) anticorruption reform interventions require tactics that fit the specific set of rules and institutions that govern relations and behavior related to a given policy area and/or jurisdiction and transform it over time (Guerzovich and Giraudy 2011).

31. Take the example of conflicts of interests control systems in the countries surveyed. Table 8 provides a quick glance at selected aspects. In some of these cases, there have been positive administrative developments.

32. The entry points to gradually advance reforms, where possible, have been inside the state apparatuses, which cannot always be subsumed to its head (even in hyper-presidential systems). These reforms often occur under advocates' radar (interviews with advocates).

33. In Mexico, in the mid-late 1990s and early 2000s, the Ministry of the Controllorship first, and later the Secretary for the Public Function, developed Declaranet. This internet-based system to collect, manage, and disclose public servants' financial disclosure forms is a key component of a system to prevent conflicts of interests on an ongoing basis (on the process, see López Pesa 2004; Guerzovich and de Michele 2010). Declaranet was developed by public officials using administrative mechanisms and procedures to bypass blocking coalitions within the state. To succeed they took cues, for instance, from the simultaneous development of other mechanisms to prevent corruption within the administrative

agency (i.e., the e-government procurement system, Compranet).

34. Colombia lags behind Mexico in terms of its financial disclosure forms. However, whatever progress has been made to transform the financial disclosure form system from a paper-based to an electronic-based system, this has also been driven by administrative bodies with a legal (even if weak and partial) mandate and resources.

**Table 8: Selected aspects of the conflicts of interests control system, financial disclosure forms**

<b>Colombia</b>	There are rules to address conflicts of interest, but their application is weak (Global Integrity 2009). MESICIC recommended to optimize the analysis of financial disclosure forms in order to detect and prevent conflicts of interests.
<b>Guatemala</b>	According to Global Integrity (2010) the system is very weak. The financial disclosure system was originally conceived to detect and prevent conflicts of interest, but in practice it is focused on illicit enrichment (The World Bank 2009). At the same time, certain administrative agencies have been making partial reforms over the last years.
<b>Mexico</b>	There are rules to address conflicts of interest, but their application is weak (Global Integrity 2009). MESICIC's Committee of Experts concluded in 2005, that more steps are necessary so that the financial disclosure form system becomes a useful tool for the detection of possible cases of conflicts of interest.
<b>Peru</b>	Regulations governing conflicts of interests in the executive are weak (Global Integrity 2010). The financial disclosure system is conceived as a tool to control illicit enrichment, to punish rather than to prevent corruption. Information in the forms is only partly, but increasingly, accessible (interviews with public officials)

35. Proactive administrative coordination and ongoing reviews fit the context and helped transform these systems. According to a Colombian stakeholder interviewed for this study, MESICIC has been instrumental in ensuring that the issue remains in the bureaucracy's agenda and things move in the right direction (albeit slowly). Since the first round of reviews within MESICIC, public officials inside the bureaucracy have worked on the improvement of the Uniform Personnel Information System which can assist in, among other things, detecting possible conflicts of interest. The system is linked with the Information System for Sworn Statements, which

handles, oversees and monitors the information in the financial disclosure forms (The World Bank 2009).

36. In other countries, including Peru, anticorruption policy, and financial disclosure forms systems in particular, are often perceived as tools to sanction individual wrongdoings. They are not perceived as tools to prevent systemic problems associated with the conditions under which public officials exercise public authority (interviews with activists and public officials).

37. In a context biased against preventive anticorruption work, the discussion about conflicts of interests still has to take place. Public officials with competence over the financial disclosure forms system need not administrate (or improve) them to prevent conflicts of interests. There is an apparent administrative vacuum in this area which limits progress.

38. Social accountability efforts to produce information about candidates to office have not been fitted either. They have not able to shake up the system and transform the understanding of the issue, and were eventually abandoned (interview with activist).

#### *Patently anchor interventions*

39. As development partners and activists consulted for this study know well, apparently successful interventions are likely to be fought back by blocking coalitions in the medium and long term. What may look like the adoption of a good anticorruption statute, can be undone in practice by failing to provide legal, political, or financial resources for its implementation (interviews with activists). Initial supporters and winners of pro-reform interventions need to proactively build political and institutional capital to defend their achievements from likely roll-backs (Light 2010), and thus increase the resilience and sustainability of their efforts.

40. All other things being equal, the likelihood of sustainability increases when pro-reform actors (and coalitions) and winners of the first round of reform, increase (over time) the political benefits of sustaining effective anticorruption changes and decrease (over time) the political costs of sustaining them (Guerzovich and Giraudy 2011).

41. There are different routes to anchor reform efforts institutionally. One of them is to use intergovernmental avenues. For example, PRMs have prompted states to coordinate entities and

authorities involved in compliance with commitments derived from Anti-Corruption Conventions. In Mexico, the National Program on Accountability, Transparency and Fighting Corruption (2008-2012) includes the establishment of such coordination mechanism. In Guatemala, the Commission for Transparency and the Fight against Corruption does not have all competences related to the implementation of international conventions, but has created an ongoing mechanism to coordinate those institutions (OAS 2010). According to Guatemalan and Mexican observers, however weak today, inter-institutional coordination would not exist on an ongoing basis absent MESICIC's ongoing follow-up with the state. As Ackerman (2007)'s study of horizontal accountability agencies might suggest, institutionalized, multiplicity of viewpoints increases the political benefits of moving forward (or the costs of backtracking reforms).

42. By interlocking domestic and international stakeholders, the review process may have contributed to the survival of the Presidential Program for the Fight Against Corruption in Colombia. As *Transparencia por Colombia* and others have pointed out, if a new President wants to kill it, he will face greater costs than those imposed by an isolated non-governmental organization or even a coalition of advocates. Rather, the decision creates reputational costs vis-à-vis legal and professional commitments with other states and international organizations.<sup>22</sup> At minimum, the new President would have had to appoint an alternative body (on comparative experiences, also see Guertzovich 2010).

43. Institutional anchorage is likely to be stronger when greater institutionalization and administrative practices come along with the growth of clients of these anticorruption and accountability systems. Individual citizens and organizations who are also users of anticorruption systems can become the systems' main supporters. The coalition of non-governmental organizations working on access to information in Mexico have worked to take on both roles, defending the Federal Institute for Access to

---

<sup>22</sup> Constituencies need not be anchored in horizontal anticorruption processes or be associated with anticorruption non-governmental organizations. In Colombia and Peru, stakeholders in the intellectual property sector have become used to following Andean rules and procedures as implemented by national administrative agencies, in ways that have arguably contributed to preventing corruption (Helfer, Alter, and Guertzovich 2008).

Public Information from attacks. As an advocate put it, for civil society organizations, it would be "a *hara-kiri*" not to defend the Institute from attacks.

44. Conversely, take the example of the Mexican financial disclosure form system mentioned above. During the Fox administration, as Declaranet started to work, some stakeholders obtained benefits from financial disclosure forms. Isolated journalists and public officials used and publicized the system and attained concrete rewards (see e.g. Hernández and Quintero 2008). But unlike what occurred in the access to information system, the Mexican financial disclosure system did not create steady constituencies among journalists, newspaper readers, politicians, public officials, prosecutors, judges, and others (i.e. "clients").<sup>23</sup> Absent continuously engaged anticorruption constituencies, the number of Mexican officials who disclosed their financial disclosure forms voluntarily through Declaranet has apparently dropped over the years (interviews with public officials). According to different Mexican anticorruption stakeholders, as no institutional anchor (or proactive advocacy tactics) made it mandatory or politically costly to roll back disclosure, executive officials have been willing and able to undo positive transformations (generally, Guertzovich 2010). International commitments create some costs, so it also seems unthinkable to abolish the financial disclosure system completely as well (interview with public official).

#### **V. Well-intentioned advocacy efforts can be costly**

45. Anticorruption conventions are useful tools to build political and technical capacities, yet TI chapters in the region have rarely taken advantage of them to bring about change. As Figure 4 above shows, overlook one of those insights and the chances of disappointment, especially in the medium term, grow. Ignore two or three lessons and failure will be almost assured.

46. It should be underscored that the argument here is not that shock therapy never works. Short-term anticorruption interventions can have results. Previously, they may have been effective for awareness raising when rapid responses by a handful of stakeholders sufficed to raise the issue. The question that we need to keep asking is whether

---

<sup>23</sup> On the general logic at work, see Pierson (1996), Fung, Graham and Weill (2007), and, Guertzovich and Giraudy (2011).

the short-term gains have been outweighed by medium- and long-term costs as the context has changed.

47. This evaluation's aim has not been to systematize short- and long-term cost/benefit effects. This would merit a longer empirical and normative discussion beyond our scope. However, during field work, a series of trade-offs were raised and discussed with stakeholders across the region.

#### *Scandals and other "Periodicazos"*

48. The linchpin tactic of most anticorruption advocates to gain political leverage, brand name, and funding is to produce or take advantage of "periodicazos," that is, pieces of information that create strong (not necessarily continuous), highly visible media coverage. Scandals and other periodicazos may trigger or be perceived to trigger reform efforts, including access to information or ethics regulations (see e.g. chapters in Morris and Blake 2010; Rosenthal 1996; Mackenzie and Hafken 2002; Rosenson 2005; Saint-Martin 2008).

49. However, we cannot conclude that this tactic per se will trigger sustainable transformations that are consistent with the rule of law. "Perhaps because the visibility of scandals is not matched by their explanatory power, it is not easy to find examples in which an independent media investigation generated a shift in national politics that on its own changed systemic conditions for the emergence of corruption" (Guerzovich and de Michele 2010).

50. The tactic also comes with tradeoffs that are rarely accounted for or intended. Balan's (2009) systematic research in Latin America shows that stakeholders manipulate information and feed scandals in order to gain power. The media is a rather inconsistent watchdog and champion of reform, too (Michener 2010; Andrade 2009; Peruzzotti and Smulovitz 2006). If this is so, it seems rather risky to put so much emphasis on this single democratic channel to bring about change. The periodicazo "is a double-edged sword," for it can entangle advocates into dynamics that at times contradict the very message they are trying to convey (interview with activist). This kind of societal action sustained in direct civil society interventions and individual cases can be risky for conveying systemic and preventive anticorruption messages over time (Saba 2002). Among the region's key stakeholders, it seems to have reinforced the notion that anticorruption is about the punishment of

individual cases and associated with manipulations, rather than all the measures included in a convention that could help increase the quality of a country's democracy.

#### *Deinstitutionalized high-level access*

51. Another related pillar of anticorruption advocates' leverage, brand name, and funding is their access to powerful individuals. Advocates are many times able or perceived to be able to get these stakeholders to speak their words. In 2006 in Central America, for instance, Transparency International-Latin America, with the support of international cooperation partners, influenced heads of states and governments to adopt "the Guatemala Declaration for a Region Free of Corruption." Especially in countries where democracy has been delegated to hyper-presidents, as in much of Latin America (O'Donnell 1997), heads of government and their ministers are important players in shaping the law and practice of governance arrangements. They can facilitate or hinder anticorruption reforms. Most systematic evidence suggests that more often, they are influenced by blocking coalitions.

52. But advocates' access is a personal matter. "It is not institutionalized at all" (interview with Guatemalan stakeholder). Anticorruption policy-making accountability across the countries visited for this study shared a series of shortcomings: they are neither rule-based nor transparent. They are open to some stakeholders but not others. TI chapters are among those who can, at times, gain discretionary access. Many others are left out, and many more do not even get a chance to learn what goes on. In other words, this type of societal engagement undermines open society values, including equality before the law (on types of societal engagement, see Rose-Ackerman 2005).

53. At the same time, scholars have noted that for many advocates, the institutionalization and strengthening of anticorruption policies and institutions and decision-making processes within the state is a zero-sum game in which they are likely to lose resources, power, and privileged access to information and work they have captured (see e.g. Dimitrova 2007).

54. The pervasive use of deinstitutionalized high-level access means that change is not embedded inside the state apparatus. The political legitimacy and development of anticorruption policy-making usually requires channels of participation into state

daily decision-making. These channels should regularly empower many voices, so that they have the possibility to permeate the state structure. In this way, external voices can make policy proposals, strengthen the anticorruption system's political basis of support, monitor its working, and safe-keep institutional progress (generally, see Smulovitz 2002; Rose-Ackerman 2005; Ackerman 2007; Light 2011).<sup>24</sup>

55. While many may find faults in the argument, and find it too far removed from mistrustful Latin-American state realities, it should be recalled that many freedom of information advocates in Mexico and anticorruption advocates in Argentina or Colombia, for instance, seem to have internalized that contributing to the political development of new and existing state-based institutions with anticorruption competences may have short-term costs and require difficult decisions in light of personnel changes and other contingencies, but is in their long-term best interest as well. For an Argentinean stakeholder, "It is hard for everyone as it is for us ... to think of these kinds of policies in the medium or long term. The short-term impact is important, but it has to be in a long-term strategy. They have to be combined ... channel the short-term impact so it can help you in more substantive endeavors ... I did not trust the state [in the 1990s] ... but at some point you have to start. We cannot live with a state that does not trust itself." (cit. in Guertzovich 2010).

## VI. Looking forward into the policy world

56. Consistently with the discussion above, most TI members expressed in the interviews that policy impact is not a significant part of their past. Some TI members interviewed for this evaluation seemed willing to make it part of their future.

57. Whether or not this new direction is fully embraced, chapters in the region already seem to associate it with intangibles that derive from international conventions. As Figure 5 shows, TI chapters consider that MESICIC benefits include an institutional workspace and contact with home public officials

---

<sup>24</sup> Note that constructive advocacy need not entail collusion with the state. We are not including here non-governmental organizations' provision of products and services to public authorities as other private suppliers may. This is a function that has raised many more normative and functional issues for chapters across the region than we could address here.

58. Many chapters also referred to the conventions as their long-term roadmap for action. In the past, TI's National Integrity Systems performed this function. But conventions unlike National Integrity Systems have multi-stakeholder ownership. A member of the TI network put it this way: "Strategically, conventions monitoring sets the agenda for any state to develop transparency policies, and the same should apply to civil society. To ignore this, as we do, is a sign of myopia about how we go about achieving things." At the same time, for TI chapters, this is a "constant challenge, to use the mechanisms that already exist ... it seems easier to try to superficially reinvent the wheel" (interview with activist).

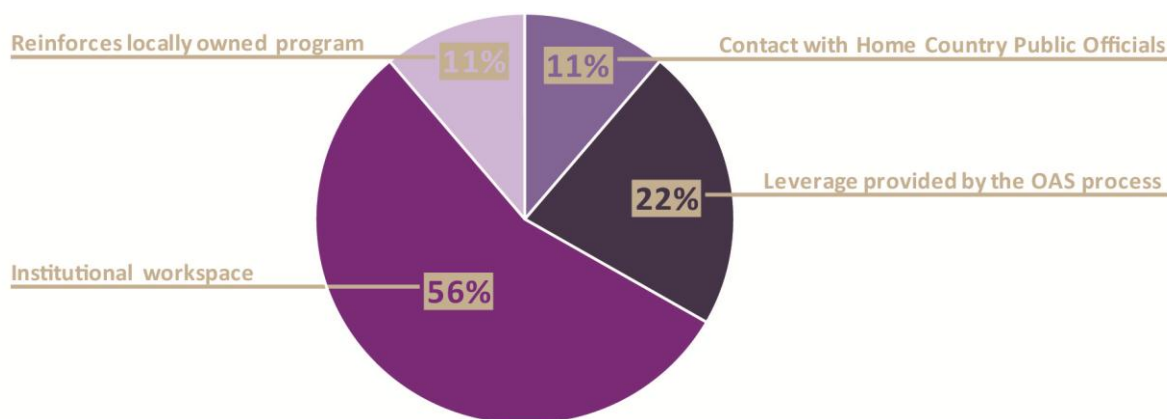
59. If TI-LAC's Conventions Program stakeholders take the cues from this evaluation and some of their colleagues, they might commit to attaining policy effectiveness and impact. The next step would be to rethink how to move forward.

60. Fieldwork's findings provide a glance at the road forward. First, seeking policy impact calls for unpacking the substance of the anticorruption advocacy agenda set by international conventions (see Box 8). Conventions are made up of multiple programmatic and operational lines which have to be looked at individually and collectively. Much as this evaluation has had to prioritize specific anticorruption policies within the IACC that seemed particularly relevant for specific places and times, advocates will probably have to prioritize as well.

61. In strategic terms, this study suggests that TI chapters should take cues from OSF-LAP's gradual theory of change. TI chapters would then embrace more fully their role as transmission belts between regional work and national developments.

62. In tactical terms, to date, most TI Latin American chapters have publicly shamed their states and produced and diffused knowledge products. Very few have done regulatory drafting, outreach to new specific audiences, or strategic litigation (see Figure 7). An analysis of publicly available information of the operations of TI Chapters in Colombia, Guatemala, Peru, and Mexico suggests that three tactics (awareness raising and media deliverables, knowledge production, and monitoring) make up more than half of their activities. When they have used other advocacy tactics, deeper qualitative research suggests that it may have been an exception under very peculiar circumstances.

Figure 5: Chapter's perceptions: The benefits of MESICIC



Source: Author

Box 8: Framing “Conventions” programming and broadening the societal accountability tactics

Civil society organizations’ programming regarding international conventions in Latin America and elsewhere has often targeted anticorruption as a whole and conventions as an end in themselves. For instance, OSF-LAP supported TI-LAC’s Conventions Program to promote the implementation of the IACC by national governments in 2007-2008. The result of the call for projects was a series of proposals to discuss, communicate, train, and measure “the Convention.” This result is thought-provoking in terms of substance and tactics.

While the convention by no means can be put to work as a whole, no projects were presented to help implement a specific recommendation of peer review mechanisms regarding the financial disclosure forms or procurement rules. No advocate thought out and put together a proposal to implement better anticorruption mechanisms in the hiring of public officials or the prevention of potential ethical breaches. There were no proposals to use the limited funds available to mainstream anticorruption conventions into any chapter’s programming about a concrete anticorruption policy. Chapters consulted on this point mentioned that they had not envisioned the possibility.

In tactical terms, as the chapter’s proposals targeted “the convention,” they picked one tool to address the whole convention. The range of activities proposed and the mechanisms through which they were expected to bring about change matched what they had done in the past. Put together, tactical and substantive takes on “the convention” hinted at a likely inability to bring about much policy change. A conference or monitoring effort is unlikely to have impact on all anticorruption policies at the same time, among other reasons, because political economy dynamics vary across policies within a single country. All the anticorruption policies included in the Convention rarely change collectively or at the same speeds within a country.

Looking to the future, unpacking the convention and thinking of it as a tool that can help bring about changes one policy at a time may be a more fruitful route. It can help to better engage the chapters’ ongoing work, the country’s priorities, and the different politics of different policies. In this sense, it is important to note that Transparencia por Colombia seems to have taken active steps in a policy-oriented direction. It has also taken the lead in articulating Conventions’ work with other projects in its portfolio.

Thinking in terms of the conventions’ as a whole can also help stakeholders consider whether the solution being proposed or funded is appropriate to tackle a targeted problem in a policy realm or to tackle its institutional causes.

63. To cope effectively with the way democratic states operate, TI chapters will need to broaden their tactical toolkit. In the words of a TI member: “We need to move beyond monitoring. Change is not tool driven.... TI’s strength is to produce diagnostics, [a tool] ... that is our comfort zone.... We should [turn to] real advocacy to drive change” (interview with activist). A Peruvian official’s interviewed for this study put it this way: Non-governmental organizations need to move on from

diagnosing and general proposals that do not consider details and their real feasibility.<sup>25</sup>

64. This means that in the future, monitoring or producing indicators should not be replaced by a single best practice tool. As contextual features change, so do successful reformers’ tactics (Poli, Giraudy y Guertzovich 2010). The same type of advocacy tactic will have different payoffs across anticorruption systems and policies, because drivers of change, entry points, tactics, and sources of

<sup>25</sup> The views of many accountability advocates who work within other networks in Latin America suggest that the problem is not exclusive to TI.

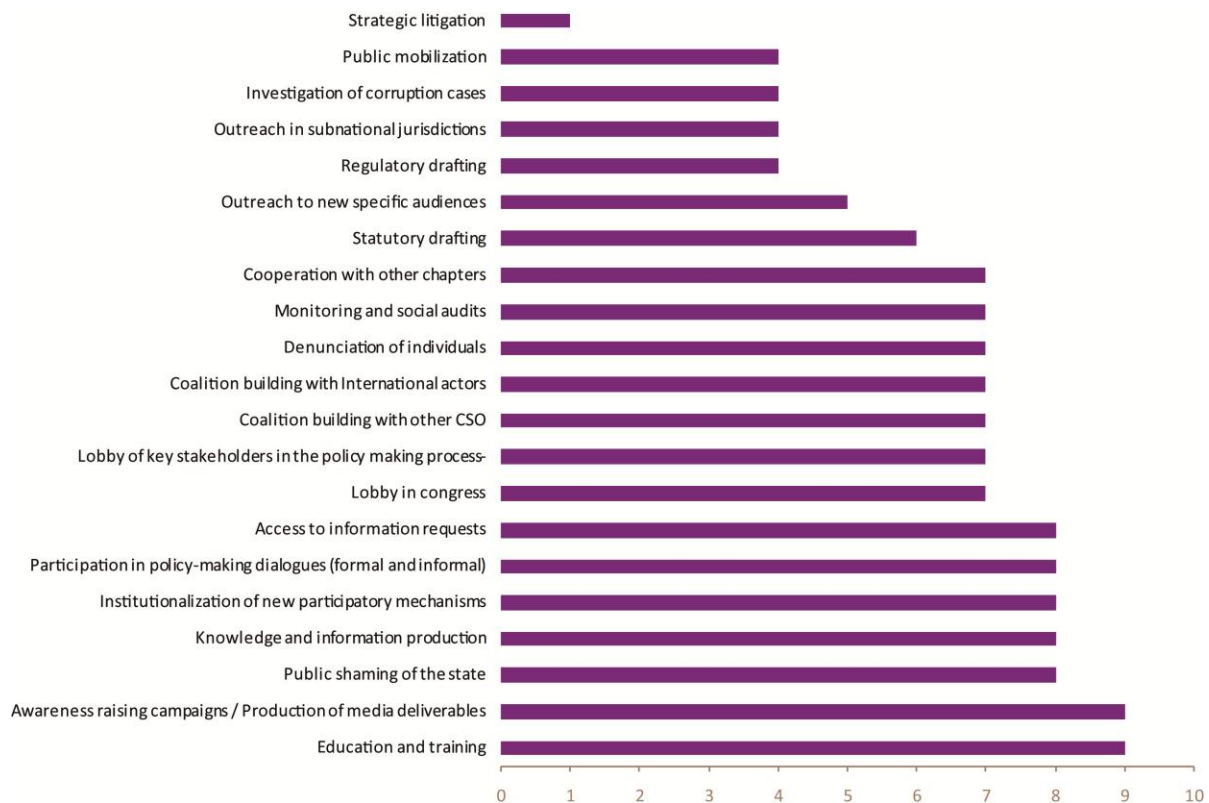


sustainability for vary. No individual tactic is likely to be the silver bullet for solving all problems in all policy areas and sectors in a given country at all times. That is, when setting the agenda in the water sector, diagnosing risks in the education sector, promoting the adoption of new conflicts of interests rules and standards, ensuring the impartial and effective implementation of procurement standards, mainstreaming standards at the sector or subnational levels, adapting and fine-tuning existing anticorruption systems, or fighting back when those who lost from the adoptions of these changes try to undo reforms.

65. The policy world is complex, and hence it calls for developing more (not less) technical and political

capacities. Advocacy tactics do not necessarily work evenly within countries. They can vary by sector, jurisdiction (national vs. sub-national units or across sub-national units, branch of government) and also by anticorruption policy or system. Actors face different incentives structures, and oftentimes have changing and conflicting political agendas, capacities, and will (Husmann and Peñailillo López 2007). Investing in better understanding the conditions under which change dynamics occur intranationally, can help advocates devise appropriate tactics to drive further change and sustain existing change from ubiquitous rollbacks.

Figure 6: TI Chapters' tactical toolkit to promote the implementation of the IACC



Source: Author based on the categories identified byPoli, Giraudy, and Guerzovich (2010)

## Chapter 7: Learning about Influence, Effectiveness, and Impact

1. This study was prepared due to OSF-LAP and TI-LAC's keen interest in understanding the strengths, weaknesses, and areas of opportunity vis-à-vis the IACC and MESICIC in Latin America, as well as to improve the direction of future work.

2. This chapter summarizes the evaluation's operational implications, building on the categories and concerns proposed by Prado Ortiz (2007) in the previous evaluation of TI-LAC's Conventions Program. An articulated theory of change, contextual changes, and new systematic analysis of the data provide different angles from which to consider the past, present, and future of TI-LAC's Conventions Program and anticorruption advocacy in the region more generally.

### 1. General goals of the program

3. This evaluation provides evidence to confirm that international conventions and their PRMs are important elements of a transnational anticorruption strategy that can empower national-level accountability constituencies/civil society groups and, in so doing, activate anticorruption policies in domestic systems.

4. In order to transform international conventions and PRMs potential into realities, TI-LAC's Conventions Program has set objectives and worked on two levels: regional and domestic. At the regional level, like previous evaluations of TI-LAC's Conventions Program, this study found that its work has had impact over MESICIC. Sustaining and improving civil society's participation levels and inputs to the PRM remain a valuable goal.

5. At the same time, this evaluation has found that while the Program's result indicators are positive and help capture some development at the international level, they are a bad proxy to set incentives and measure what goes on in terms of advocacy or policy-making at country level. Linking international interventions with national-level effectiveness remains a challenge for the Program.

6. In fact, the main conclusion of this study is that OSF-LAP's theory of change captures how anticorruption, broadly understood, works in the current Latin American context. The step-by-step

approach it embodies is more effective than short, sharp shocks in bringing about policy change.

7. Accountability constituencies, including TI-LAC's MESICIC-based Conventions Program, can be instrumental as transmission belts connecting national and international processes. In the Americas, civil society organizations have not been the main users of these international instruments. Rather, pro-reform public officials seem to have been more active transmission belts of the conventions.

8. Unlike those who blame the conventions' alleged ineffectiveness on the lack of political will of blocking coalitions and leaders or the lack of visibility of the OAS, this finding means that anticorruption civil society organizations should take ownership and play this function as well. Advocates are also partly responsible for the effective implementation of international conventions in their own countries (or the lack thereof).

9. The problem remains the anticorruption policy-making environment in the region has changed at a faster pace than advocacy. In the early 1990s, advocates were able to speak of a public policy vacuum in the anticorruption arena.<sup>26</sup> At the time, few countries had tried to implement policy reforms, and international reviews of domestic anticorruption institutions were unthinkable – not a sustainable reality. TI chapters and others filled many spaces left open by the state. They did so by taking actions to promote alegal standard setting, provide anticorruption services, or monitor compliance with standards. An incomplete patchwork of projects started to take up the states' roles and the rule of law, threatening their very legitimacy in the eyes of many. TI chapters benefited from deinstitutionalized, high-level access, media coverage, and international cooperation funds.

10. In the 2000s, project-based islands of integrity produced some additional results. They emerged along with a ubiquitous development of anticorruption technical diagnostics, lists of best practices, and indicators – so much so that institutions like the World Bank, the IADB, or the UNDP have already funded projects to systematize

---

<sup>26</sup> This reflection takes a cue from Neubert (2009).

them. As a public official put it during fieldwork: “If your question is what have been non-governmental organizations’ contributions to public policy change in this field, the answer will be scarce,” and they were across Latin America. PRMs also contributed to the production of systematic information and recommendations.

11. As Figure 7 shows, the 2010s pose a different challenge (Guerzovich 2010) The project-based islands of integrity can easily contribute to a failed anticorruption policy-making machinery over time. In fact, as anticorruption public policy is waking up and being anchored in international conventions, the margins for civil society organizations to act alone begin to shrink. Multilateral and bilateral donors in the region are slowly but increasingly taking note. Non-state actors’ projects, operating on the margin, start losing transformative fit in relation to models that engage different stakeholders in an effort to strengthen the policy-making machinery. As some stakeholders in the anticorruption movement are noticing, public policy should probably be the main thread of future proposals, projects, and evaluations.

**Figure 7: Anticorruption advocacy in Latin America over the decades**



12. Conversely, as well intentioned interventions repeatedly feed into rather than engage anticorruption policies and politics in a different manner, advocates may be contributing to the perception that improving the quality of democracy is not possible at all. In other words, pro-reform interventions, as the OECD (2010) has noted more generally, can be unintentionally undermining the effort to bring about positive changes in the long term.

## II. Capacity building regarding conventions and the anticorruption agenda more generally

13. In placing anticorruption policy-making as the main thread of advocacy efforts, TI-LAC can discuss whether they would like to continue pursuing a formalistic approach to law, or try to push the

debate within MESICIC to a functionally equivalent understanding of the law, as the one used here or in the reviews of the OECD Convention. A functionally equivalent approach requires greater, not lesser, technical capabilities and sophistication, but lends itself better to contextualized policy analysis and change strategies. In either case, the game between law and politics (or practice) is not zero sum. As some TI members have learned, thanks to their participation in the Program, it is more fruitful to look at politics and law collectively. Bringing former public officials with preventive competences or former PRM experts to the Program’s advisory board can provide useful insights.

14. For the Program to move forward on the political front, however, much more than the Program itself need to change. For TI to scale up effective policy impact, it needs to make important changes in its advocacy strategy and tactics. The Conventions cannot continue to be perceived as a set of abstract general principles that can be superficially linked to whichever hot topic happens to appear in front of stakeholders.

15. The nature of the task and opportunity at hand requires a systemic viewpoint, simultaneously paying attention to each individual anticorruption programmatic line regulated by international conventions (Guerzovich 2010) Stakeholders need to think in relation to the conventions as a whole, but also act in terms of policy-making accountability systems, conflicts of interests control systems, and so many others regulated and monitored by anticorruption PRMs. From there, different states and societies will likely have different priorities.

16. Individual policy lines are more likely to be sustainable if they are mainstreamed into chapters’ ongoing operations, before new programming is devised. National Programs of Action, when available, can provide useful operational information as well.

17. In order to prioritize specific lines of action for the region as a whole, the Program might consider which topics will be reviewed by MESICICs over the next round of reviews, and/or topics of special interest that are being discussed within regional intergovernmental fora.

18. To move into the policy world, TI members need to acquire capabilities to evaluate not only what to do or why to do it, but also when and how a given approach or project might work; replicating best practices will not do. Ideals should be considered in

light of realities and pragmatic approaches, and challenges should be taken seriously as well. 19. In this sense, evidence here suggests that the previous evaluation put much emphasis on the Program's communication of the substance of the convention vis-à-vis the citizenry. This is an important method on which TI chapters have relied much in the past, but it should not be confused or put before the stated end of OSF-LAP's support of TI-LAC's Conventions Program. This study's political economy angle suggests that communication may not be an appropriate means to the end.

Communication campaigns across the region have had significantly more resources and continuity than the ones an international donor could ever fund related to an international convention. They have usually failed to simultaneously nurture a powerful pro-reform coalition, deploy transformative fitted tactics, and anchor the reform effort institutionally. 20. A broader range of social accountability tactics are necessary to have effectiveness, impact, and, as many advocates have acknowledged for a long time in the region, to deeply transform authoritarian states into democratic ones. To be sure, this era is more politically and technically arduous and less sexy than high-level access and media (Tandon 1999). Credit needs to be shared and existing rules and procedures which may not be expedient accommodated (Light 2011). It is a long, burdensome process. Civil society organizations need to be proactive and engaged in the long term, rather than deploy quick and reactive, decontextualized projects.

21. TI-LAC's Conventions Program work at MESICIC will not be perfect, and stakeholders need to make bets under uncertainty, but it seems to be one of the few readily available anchors in the state world for promoting such change in ways that are consistent with the open society values' agenda.

22. For TI-LAC, incorporating political economy insights to strategies, tactics, and programming is important beyond this Program. It is a growing trend among international development partners funding the governance and anticorruption agenda. Civil society organizations' staff often lack the experience and training to engage in this kind of technical work to inform executive directors' and their strategies. External stakeholders need to be engaged to provide these kinds of capacity-building tools, which could promote much-needed institutional growth and professionalization of the chapters. More attention

needs to be paid to domestic-level incentives, capabilities, and processes to promote the range of specific policies and anticorruption systems regulated by the International Conventions.

23. On this institutional growth process, TI-LAC and its chapters would probably benefit from using systematic insights about contextual changes, effectiveness, and impact across the region and taking a more active role in ongoing strategic discussions at TI's secretariat, including but not limited to UNCAC's review process.

### III. The value and role of the linkage with the OAS in Washington

24. The Program's coordinator role continues to be crucially important in the management of the Program. At the regional level, it has managed to nurture alliances within MESICIC and shape the operations of written rules through daily action to advance concrete institutional changes over the years. It has helped cement an institutional role for civil society organizations in the region, under difficult circumstances. These achievements are not matched in similar anticorruption PRMs or most Latin American anticorruption policy-making accountability systems. The Program attained partial short-term funding from the Inter-American Bank as well – which is carrying out a related, but distinct evaluation at the moment.

25. The Program has also shown that it can lead TI chapters to produce shadow reports – even in contexts in which the chapters may not have perceived the value of doing so in the short term, in terms of funding or media visibility. Sometimes, the Program's coordination has had to rely on persuasion to ensure that chapters produce timely and appropriate deliverables. According to several interviewees, written terms of reference linking individual chapters to the Program may have helped avoid operational difficulties.

26. There are, of course, other weak points that need to be reconsidered in this context, including the ways in which a regional strategy needs to better equilibrate the needs of different types of countries, considering whether specific calls are better suited for MESICIC's Committee of Experts or other bodies within the OAS (forum should follow purpose).

27. The program also has often been unable to voice its insights and concerns with other Conventions Programming within TI, which will be an ongoing

challenge as UNCAC's review process moves forward. Both decisions need political leadership and a network that reaches beyond the Program Coordinator's confines.

28. A final important insight of the evaluation of the project is that previous medium-term evaluations have been important inputs for strategic planning and concrete programming. Evaluations, as a TI member put it, can also be powerful tools to communicate this strategic direction (and raise funds). In focusing the Program's evaluations on results (as previous evaluations) or effectiveness (as this one), OSF-LAP and TI-LAC produce complementary information that, viewed in isolation, can shape very different futures for the program. Effectiveness over anticorruption institutional policy outcomes is, and is likely to continue to be, a reasonable expectation in the region in the medium term. In fact, if this evaluation had hurried beyond what the context allows for and imposed impact indicators, its conclusions would have been different.

#### **IV. Supporting local initiatives**

29. Many TI-LAC chapters continue to request and value individual funding of local initiatives. Yet, providing this funding absent substantial changes to chapters' ends and means is likely to reproduce an ongoing, vicious cycle in terms of national-level advocacy.

30. Gradualism (including MESICIC), is more effective in policy-making terms, but it is not influential vis-à-vis TI chapters. Note that TI stakeholders who dismiss MESICIC do not do so because it lacks policy impact in the short term or matters in the long term. On the contrary, they do so, because it does not fit their own incentives. ("It is not attractive for the media." "It is not a priority articulated by the President." "Donors have not been willing to fund an activity.") In Latin America and elsewhere, short- and medium-term funding and credit-claiming get in the way of the pursuit of medium- and long-term social change (Cooley and Ron 2002; Light 2011).

31. Political economy dynamics and data analyzed suggest that new, individual funding will not be devoted to producing deliverables that are relevant in shaping public policy until contextual conditions force TI chapters to work within different advocacy and business models.

32. According to some advocates and donors consulted for this study, new incentives are unlikely to deliver and last unless they emerge in a coordinated manner from a series of donors, in the spirit of the Paris Declaration on Aid Effectiveness. In this sense, even if OSF-LAP provides limited funding, it could contribute to the chapters and the Program by more actively disseminating its strategy, programming, and evaluations with other international cooperation partners in the region and outside it. Even more, the articulation of priorities with other donors could be a major step forward in promoting advocates' capacities and institutional growth. These changes are necessary for key assumptions of OSF-LAP's theory of change to hold. Equally importantly, they are important in order to increase the effectiveness of anticorruption advocacy in ways that are consistent with open society values.

#### **V. Exchanges among national chapters**

33. Some of the strategic changes mentioned in this chapter could be piloted in a sub-region. However, in addition to the willingness of the sub-region to take the lead and their context-relevant capabilities, the willingness and ability of these leaders to actually transfer technical knowledge and political savvy to others in the movement should be considered. Pilots do not spill over automatically.

34. In relation to the Conventions' Program, technical exchanges among the staff through Skype or other communication devices were encouraged through the IADB's Community of Practice, but are rarer and paradoxically seem to lack the continuity of the high-level exchanges. The equation is the opposite in the state anticorruption world.

#### **VI. National coalitions and transnational networks**

35. The formation of coalitions is a key goal of the Program. The political capital and influence that comes along with formal and informal coalitions is a necessary, not sufficient, condition to promote sustainable anticorruption policy reforms.

36. Non-governmental organizations working on public interest issues in Latin America have also lacked the incentives to build meaningful alliances with others. OSF-LAP works with a number of organizations that could participate in the Program in place of TI chapters who are not willing or able at

a given point in time to commit to MESICIC requirements. For these alternative partners, the window of opportunity to participate more actively in MESICIC has been closed in practice. Whether they participate as leaders in the production of a country's shadow report or not, they already have information that is relevant to the follow-up process. So do professional organizations and academics across the region. This collaboration has generally been superficial.

37. To encourage cooperation, setting up new joint programming among different organizations and/or networks is a possibility. Still, a preliminary step might be a less risky approach. More incentives to participate in MESICIC's processes and deepen cooperative work beyond it could be written into TI-LAC Program's and mainstreamed into these organizations' ongoing Terms of Reference.

38. Insofar as TI chapters and other national and subnational level actors, according to OSF-LAP's theory of change and the evidence presented here, are the key channels through which the conventions fit and transform public policies, it seems a mistake to communicate to the public before communicating a message that is feasible and relevant to these other societal actors, in light of what goes on in the state world. Similar insights might be relevant for work across OSF-LAP's networks.

39. Despite the arguments of many advocates who defend the status quo advocacy approach, which considers that to achieve more than the next grant calls for is to put an end to the role of the advocates, strategic change, and adaptation to new contextual features, is not just necessary for altruistic aims. In the eyes of many important stakeholders, lack of critical, strategic thought and action among anticorruption advocates is undermining their own cause and losing the legitimacy and credibility they value so much on the way.<sup>27</sup>

### **VII. Report cards, diagnostics, indicators, and traffic lights**

40. The previous evaluation discussed the uses of report cards. This was a tool used during a period to enhance the technical capabilities of the chapters' vis-à-vis the Convention. It was also meant to produce diagnostics and indicators. It was

---

<sup>27</sup> It does not seem coincidental that advocates come to related conclusions when they start facing shortage in funding.

discontinued due to lack of funding, and still, given context-relevant technical guidance, many chapters have been able to produce better quality shadow reports.

41. As mentioned above, the key deficit is not a lack of anticorruption blueprints, but that they are not being effectively promoted. In this sense, in practice, report cards had an external function as well: to ease TI chapters' deployment of naming and shaming tactics. More recently, the Program documents suggest a repackaging of this function through the production of "traffic lights" that highlight the quantitative compliance of countries with MESICIC's recommendations. As discussed before, this tactic does not lend itself to the promotion of policy impact on its own in democratic polities.

42. Furthermore, the go-it-alone conflictive simplification of issues contradicts much of the credibility-building work the Program has done within MESICIC in terms of the chapters' abilities to discuss concrete, actionable policies in context and in a constructive, technically informed way. State institutions generally are more responsive over the long haul to MESICIC-style constructive contributions than to direct confrontative monitoring. That seems to be the case even for those public officials who have been working in civil society organizations before (see e.g. Blondet and others cit. in Basombrio 2005).

### **VIII. The engagement of civil society organizations in MESICIC**

43. After much advocacy, and partly thanks to TI-LAC's Conventions Program's daily performance and informal alliances with state actors, the fourth round of analysis in MESICIC will probably open the door to on-site visits. Expectations should be kept in check. Comparative experience shows that on-site visits on their own do not promote societal ownership of the processes, nor do they necessarily contribute to enhancing the technical and political capabilities of civil society organizations (Guerzovich 2010). It is unlikely that on-site visits will make anticorruption policy-making an objective for civil society organizations or that they will adopt the gradual strategies it calls for, either.

44. In this context, while a new opportunity opens up to bring the follow-up closer to home, the need for the technical and political leadership will not wane. TI-LAC's Conventions Program, as it works

within MESICIC, has shown that it can take a necessary leadership role to encourage chapters to do some things that are different from the way they normally do business. It has also shown that it does take the technical components of the policy-making world more seriously than most others. Absent this anchor and commitment, it is likely that civil society organizations may lose much of the credibility and standing they have gained in the region. Again, it is not enough.

45. Blocking coalitions are resourceful and are always waiting to undo reforms and to take advantage of the cynicism that follows from raising expectations that cannot be met in practice. The successes of anticorruption advocacy tactics and strategies, much as their failures, require their self-reinvention in order to ensure their significance and sustainability.

46. It also requires defending and explaining past achievements, repairing breakdowns, innovating towards better outcomes, measuring results, and expanding what already works (Light 2011). As structural forces push the region away from the preventive agenda, the Program's work through MESICIC may be important in order to protect and advance past achievements consistent with open society values. In other words, the future calls for deepening and institutionalization much more than for superficial expansion.

## List of Stakeholders Consulted for This Study

Adela Parra	National Department of Planning, Colombia
Alberto Maldonado	Consultant, Transparencia por Colombia
Alejandro Salas	Director Americas Regional Department, Transparency International Executive Secretary, Commission of Access to Information, Human Rights
Alfonso Godínez Arana	Ombudsman, Guatemala Deputy General Director of Studies and Policies, Secretary of Public Function, Mexico
Alfredo Esparza	National Department of Planning, Colombia
Alice Bergun	Media Director, Consejo de la Comunicación, Mexico
Alonso Jiménez	Technical Expert , USAID’s Guatemalan Transparency and Anticorruption Program
Ana Castro	Global Programmes Manager, TI-S
Andrea Figari	Researcher and Professor of Political Studies, Centro de Investigación y Docencia Económica (CIDE)
Andreas Schedler	Senior Programme Coordinator of the Americas Department, TI-S
Andrés Hernández	Coordinator, Anti-Corruption Programme, United Nations Office Against Crime and Drugs (UNDOC), Colombia
Andrés Nunez	Executive Director, TI-Panama
Angelica Maytin	Director, Federal Institute of Access to Information and Data Protection (IFAI)
Arturo Ríos	Former Minister of Justice, Peru
Baldo Kresalja	Deputy Prosecutor, Decentralization and Local Entities
Carlos Augusto Mesa	Participacion Ciudadana, Dominican Republic
Carlos E Pimentel	Deputy Director of Access to Information, Department of Public Finance, Guatemala
Carlos Melgar	Cultura Ecológica, Mexico
Carolina Vivanco	Chief of Projects, Ciudadanos al Dia, Peru
Caroline Gibu	Head of Sub Saharan Africa, TI-S
Chantal Uwimana	Senior Programme Coordinator, TI-S
Conrad Zellmann	Televisa Foundation
Daniel Castillo	Project Coordinator, Acción Ciudadana
David Gaitan	Project Coordinator, Transparencia Mexicana
Deniz Devrim	Executive Director, Transparencia Mexicana
Eduardo Bohorquez	Executive Director, Transparencia por Colombia
Elisabeth Ungar	National Integrity Network, Guatemala
Emanuel Callejas	Former Vice Minister of Justice,Perú
Erasmus Reyna	Coordinator, Right to Information Area at the Law Research Institute of the National Autonomous University of Mexico (UNAM)
Ernesto Villanueva	Programme Coordinator, TI-S
Farzana Nawaz	Representative Office in Mexico of the Culture of Lawfulness Project, Strategy Center
Francisco Rivas	Former MESICIC Expert, Perú
Franz Chevarria	Programme Manager, TI-S
Gareth Sweeney	Global Programmes Manager, TI-S
Gillian Dell	Executive Director, OCASA, Colombia
Gina Romero	Former MESICIC Expert, Chile
Gonzalo Neira	Coordinator, Fundar, Mexico
Haydee Perez Garrido	Project Officer, Grupo Cívico Ética y Transparencia (EyT),Nicaragua
Heriberto Herrera	Executive Director, Poder Ciudadano
Hernan Charosky	



Javier Casas	Coordinator, Suma Ciudadana, Peru
Javier Osorio	PhD Candidate, University of Notre Dame
John M. Ackerman	Researcher, Institute for Legal Research of the National Autonomous University of Mexico (UNAM)
Jorge Lavarreda	Vice President, National Economic Research Center (CIEN), Guatemala
Jorge Perez	MESICIC Expert, Guatemala
Jorge Santos	Coordinator, CIIDH, Guatemala
Jose Antonio Ardavin	Director, OECD Centre in Mexico for Latin America
Juan Carlos Ibarlucea	Executive Director, Uruguay Transparente
Juan Fernando Londoño	Coordinator, Democratic Strengthening Project, Institute for Democracy and Electoral Assistance (International IDEA) and the United Nations Development Programme (UNDP), Colombia
Juan José Ccoyllo Ancco	Consultant, Pontificia Universidad Católica del Perú (PUCP)
Juan Luis Velasquez	Commissioner for Transparency and the Fight Against Corruption, Vicepresidency, Guatemala
Juan Pablo	Office of the Deputy Prosecutor, Decentralization and Local Entities, Colombia
Lilian Sierra	Deputy Director, Department of Public Finance, Guatemala
Lucrecia Asmus	Technical Expert, USAID's Guatemalan Transparency and Anticorruption Program
Luis Jaime Salgar	Expert, University of Los Andes, Colombia
Luis Palacios	Consejo de la Comunicación, Mexico
Luiz Azevedo	MESICIC's Secretariat
Lupe Cajias	Director, Movida Ciudadana Anticorrupción
M	Secretariat of Public Function, Mexico
Manfredo Marroquin	President, Acción Ciudadana
Marcela Huaita	Executive Coordinator, National Anti-Corruption Network, Proética
Marcela Restrepo	Director of Transparency Indexes, Transparencia por Colombia
María Angélica Sánchez	Transparencia por Colombia
Maria Isabel Carrascosa	Legal Assistant, Congress of the Republic of Guatemala
Marta Erquicia	Senior Programme Coordinator of the Americas Department, TI-S
Marvin Flores	Project Coordinator, Acción Ciudadana
Monica Rueda	MESICIC Expert, Colombia
Nancy Zucker	Director, Transparency International-United States
Nikola Sandoval	Senior Programme Coordinator, TI-S
Nilda Rojas Bolivar	Secretariat of Public Management, Presidency of the Council of Ministers, Peru
Oscar Ortiz	Former MESICIC Expert, Colombia
Oscar Vasquez	General Director, Acción Ciudadana
Patricia Guillen	Former MESICIC Expert, Peru
Paul Zoubkow	Senior Programme Coordinator, TI-S
Raúl Torres	FUNDE, El Salvador
Rosa Maria de Frade	Deputy and President of the National Special Commission for Transparency, Guatemala
Samuel Rotta	Programme Officer, Proetica, Peru
Sergio M. López	Director, Federal Institute of Access to Information and Data Protection (IFAI)
Menéndez	Senior Programme Coordinator, TI-S
Servaas Feiertag	Executive Director, Commission for Transparency and the Fight Against Corruption, Vicepresidency, Guatemala
Silvio Gramajo	Director, Cultura Ecológica, Mexico
Tomas Severino	

Vania Soto	Expert, Guatemala
Vania Vieira	President of MESICIC
Veronica Garcia Leites	Uruguay Transparente
Violeta Mazariegos	Legislative Advisor, Guatemala
Ximena Salazar	Regional Coordinator, Conventions Program, Transparency International
Zoe Reiter	Senior Programme Coordinator, TI-S

## Bibliographical References

- Abbott, Kenneth W. , and Duncan Snidal. 2004. Pathways to International Cooperation. In *The impact of international law on international cooperation : theoretical perspectives*, edited by E. Benvenisti and M. Hirsch. Cambridge UK ; New York: Cambridge University Press.
- . 2002. Filling in the Folk Theorem: The Role of Gradualism and Legalization in International Cooperation to Combat Corruption. Paper read at American Political Science Association, at Boston.
- . 2002. International Action on Bribery and Corruption: Why the Dog Didn't Bark in the WTO. In *The political economy of international trade law : essays in honor of Robert E. Hudec*, edited by D. L. M. Kennedy, J. D. Southwick and R. E. Hudec. Cambridge ; New York: Cambridge University Press.
- . 2002. Values and Interests: International Legalization in the Fight Against Corruption. *Journal of Legal Studies* 31 (Part 2).
- Ackerman, John ed. 2007. *Organismos autónomos y democracia: el caso de México*: Siglo XXI.
- Andrade, Gisela Luján. 2009. Le rapport entre le scandale politique médiatique et la « libération » de la presse écrite et télévisée durant le régime péruvien post-transition d'Alejandro Toledo (2001-2006) : une contribution à l'analyse de la transformation du champ journalistique dans les périodes post-transition., Université Paris 1 – Panthéon Sorbonne, Paris.
- Andrews, Matt. 2008. The Good Governance Agenda: Beyond Indicators without Theory. *Oxford Development Studies*.
- Andrews, Matt, Jesse McConnell, and Alison Wescott. 2010. Development as Leadership-led Change - A Report for the Global Leadership Initiative and the World Bank Institute (WBI). In *HKS Faculty Research Working Paper Series*. Cambridge, MA: Harvard Kennedy School
- Balan, Manuel. 2009. Competition by Denunciation: The Political Dynamics of Corruption Scandals in Argentina and Chile  
In Paper presented at the annual meeting of the Midwest Political Science Association 67th Annual National Conference. The Palmer House Hilton, Chicago, IL, .
- Basombrio, C., ed. 2005. *Activistas e intelectuales de sociedad civil en la función pública en América Latina*. Lima: IEP.
- Berdal, Mats R., and Mónica Serrano. 2002. *Transnational organized crime and international security : business as usual?* Boulder, Co.: Lynne Rienner Pub.
- Betsill, Michele M. , and Elisabeth Corell. 2001. NGO Influence in International Environmental Negotiations: A Framework for Analysis. *Global Environmental Politics* 1 (4).
- Brown, Vonda. 2010. Protecting Civil Society in Latin America. In *Open Society*, Open Society Foundations. Washington, DC.
- Casas Chardon vs. Ministerio de Transportes y Comunicaciones. 2009. Tribunal Constitucional, Perú.
- Cejudo, Guillermo M., Sergio López-Ayllón, and Alejandra Ríos Cázares. 2010. Assessing transparency across levels of government in Mexico: Rules, institutions, and practices. In *First Global Conference on Transparency Research*. Newark, New Jersey: Centro de Investigación y Docencia Económicas, CIDE.
- Claude Reyes y otros, vs. Chile. 2006. Corte Interamericana de Derechos Humanos.
- Committee of Experts. 2004. Final Report on Implementation in the Oriental Republic of Uruguay of the Convention Provisions Selected for Review in the Framework of the First Round. Washington, D.C.: Organization of American States.
- . 2004. Final Report on Implementation in the Republic of Chile of the Convention Provisions selected for Analysis within the Framework of the First Round. Washington, D.C. : Organization of American States.
- Committee of Experts. 2003. Report On Implementation In Argentina Of The Convention Provisions Selected For Review In The Framework Of The First Round. Organization of American States.
- Consejo de la Comunicación. 2008. Informe Impactos 06/08. México D.F.: Consejo de la Comunicación.
- . 2010. Informe de Impactos 08/10. México D.F.: Consejo de la Comunicación.
- . *Tú, no te callés. Alza la voz* 2010. Available from <http://www.notecallesalavoz.org/>.

- Cooley, Alexander, and James Ron. 2002. The NGO Scramble: Organizational Insecurity and the Political Economy of Transnational Action. *International security* 27 (1):35.
- Corduneanu, Isbela, Manuel Alejandro Guerrero, and Eduardo Rodríguez-Oreggia. 2005. Actitudes y Percepciones a través de los medios. Un enfoque bimetodológico: el caso de los “Cineminutos por la Transparencia”.
- de Michele, Roberto. 2004. The follow up mechanism of the Inter-American Convention against Corruption. A preliminary assessment: Is the glass half full or half empty? *South western Journal of Law and Trade in the Americas* 10.
- . 2005. Transparencia y anticorrupción: desde la sociedad y desde el Estado. In *Activistas e intelectuales de sociedad civil en la función pública en América Latina*, edited by C. Basombrio. Lima: IEP.
- de Michele, Roberto, and Nestor Baragli. 2002. Una experiencia de trabajo conjunto entre la sociedad civil y el sector público. *La Ley LXVI* (20).
- Dees, Gregory. 2010. Creating large-scale change: Not 'can' but 'how'. *What Matters*, [http://whatmatters.mckinseydigital.com/social\\_entrepreneurs/creating-large-scale-change-not-can-but-how-](http://whatmatters.mckinseydigital.com/social_entrepreneurs/creating-large-scale-change-not-can-but-how-).
- Dimitrova, Antoaneta. 2007. Institutionalisation of imported rules in the European Union's new member states: Bringing politics back into the research agenda. Badia Fiesolana, Florence: EUI.
- Eigen, Peter. 1995. La corrupción en los países desarrollados y en desarrollo - Un desafío de los '90. *Contribuciones XII* (4).
- Elliot, Kimberly Ann. 1996. Implementing the Summit of the Americas: Combating Corruption. In *North-South Center Working Paper*. Coral Gables.
- Feinberg, Richard. 1997. *Summitry in the Americas*. Washington, DC: Institute for International Economics.
- Fontoura, Joana, and Aline Soares. 2008. Transparência Internacional. In *Corrupção. Ensaios e Críticas*, edited by L. Avritzer, N. Bignotto, J. Guimarães and H. M. Murguel Starling. Belo Horizonte: UFMG.
- Fritz, Verena, Kai Kaiser, and Brian Levy. 2009. Problem-Driven Governance and Political Economy Analysis Good Practice Framework. Washington, DC: The World Bank Group.
- Fundación Televisa. 2011. *Valores 2011* [cited May 1 2011]. Available from <http://www.fundaciontelevisa.org/valores/>.
- Fung, Archon, Mary Graham, and David Weil. 2007. *Full Disclosure: The Perils and Promise of Transparency* New York: Cambridge University Press.
- Galtung, Fredrik. 2000. A global network to fight corruption: The experience of Transparency International. In *The third force : the rise of transnational civil society*, edited by A. Florini. Tokyo Washington D C: Japan Center for International Exchange ; Carnegie Endowment for International Peace : Brookings Institution Press distributor.
- Gaventa, John , and Gregg Barret. 2010. So What Difference Does it Make? Mapping the Outcomes of Citizen Engagement. In *IDS Working Paper* Brighton: IDS.
- Geddes, Barbara. 1994. *Politician's dilemma : building state capacity in Latin America, California series on social choice and political economy ; 25*. Berkeley: University of California Press.
- Global Integrity. 2011. *Colombia: 2009*. Global Integrity 2009 [cited May 1 2011]. Available from <http://report.globalintegrity.org/Colombia/2009>.
- . 2009. The Global Integrity Index Global Integrity.
- . 2011. *México: 2009* 2009 [cited May 1 2011]. Available from <http://report.globalintegrity.org/Mexico/2009>.
- . 2011. *Guatemala 2010*. Global Integrity 2010 [cited May 1 2011]. Available from <http://www.globalintegrity.org/report/Guatemala/2010/scorecard>.
- . 2011. *Peru 2010*. Global Integrity 2010 [cited May 1 2011]. Available from <http://www.globalintegrity.org/report/Peru/2010/scorecard>.
- Goodwin, Morag , and Kate Rose Sender. 2009. The Human Right to be Free of Corruption: A dangerous addition to the development discourse. In *Maastricht Faculty of Law Working Paper* Maastricht: Universiteit Maastricht.
- Gourevitch, Peter Alexis, and James Shinn. 2005. *Political power and corporate control : the new global politics of corporate governance*. Princeton: Princeton University Press.

- Grzymala-Busse, Anna. 2007. *Rebuilding Leviathan : party competition and state exploitation in post-communist democracies*, Cambridge studies in comparative politics. Cambridge ; New York: Cambridge University Press.
- Guerzovich, Florencia, and Roberto de Michele. 2010. The Anticorruption Agenda in Latin America: National and International Developments. In *Corruption and Politics in Latin America: National and Regional Dynamics*, edited by S. Morris and C. Blake. Boulder, Co. : Lynne Rienner
- Guerzovich, Florencia, and Agustina Giraudy. 2011. The Political Economy of Sustainable Reforms: The How To Sequence. <http://ssrn.com/abstract=1853666>.
- Guerzovich, M. Florencia. 2010. Anticorruption Peer Review Mechanisms: What Pays-off at the National Level Available at SSRN: <http://ssrn.com/abstract=1697872>.
- . 2010. Building Accountability: The Politics of Anticorruption, Northwestern University, Evanston, IL.
- . 2010. Financial disclosure forms as systems of targeted Disclosure: A political economy analysis. Washington, DC.
- Hage, Jorge. 2010. Discurso Na Abertura Da Reunião Da Conferência Dos Estados Partes Do Mecic. In *Terceira Reunião da Conferência dos Estados Partes do Mecanismo de acompanhamento da Implementação da Convenção Interamericana contra a Corrupção (MESICIC)*. Brasilia, Brazil.
- Helfer, Laurence, Karen Alter, and M. Florencia Guerzovich. 2008. Constructing an Intellectual Property Rule of Law in the Andean Community.
- Hernández, Anabel, and Areli Quintero, eds. 2008. *La familia presidencial: el gobierno del cambio bajo sospecha de corrupción*: Random House Mondadori.
- Hussmann, Karen, and Miguel Angel Peñailillo López. 2007. How can Technical Assistance support the Implementation of UNCAC? U4 Background Paper for the International Cooperation Workshop on Technical Assistance for the Implementation of UNCAC, Montevideo, May 2007. <http://www.cmi.no/publications/publication/?3561=how-can-technical-assistance-support-the>.
- Inter-American Bank of Development. 2009. Action Plan for Supporting Countries' Efforts to Combat Corruption and Foster Transparency (PAACT). Inter-American Bank of Development.
- International Council on Human Rights. 2009. Corruption and Human Rights: Making the Connection. Geneva: International Council on Human Rights and Transparency International.
- . 2010. Corruption and human rights: Integrating human rights in the anti-corruption agenda. Geneva: International Council on Human Rights and Transparency International.
- Keck, Margaret E., and Kathryn Sikkink. 1998. *Activists beyond borders : advocacy networks in international politics*. Ithaca, N.Y.: Cornell University Press.
- Kelley, Judith G. 2009. The More the Merrier? The Effects of Having Multiple International Election Monitoring Organizations. *Perspectives on Politics*.
- Koremenos, Barbara, Charles Lipson, and Duncan Snidal. 2001. The Rational Design of International Institutions. *International organization* 55 (4):40.
- Kpundeh, Sahr, and Brian Levy. 2004. *Building state capacity in Africa : new approaches, emerging lessons*, WBI development studies. Washington DC: World Bank.
- Krastev, Ivan. 2004. *Shifting obsessions : three essays on the politics of anticorruption*. Budapest ; New York: Central European University Press.
- Larson, Alan. 2000. Testimony, U.S. Senate Committee on Foreign Relations, Inter-American Convention Against Corruption. Washington, D.C.
- Light, Paul, ed. 2011. *Driving Social Change: How to Solve the World's Toughest Problems* Hoboken, New Jersey: John Wiley & Sons, Inc.,.
- López Presa, José Octavio. 2004. Conflict of Interest. In *Forum on Implementing Conflict of Interest Policies in the Public Service*. Rio de Janeiro, Brazil.
- Mackenzie, G. Calvin, and Michael Hafken. 2002. *Scandal proof : do ethics laws make government ethical?* Washington, D.C.: Brookings Institution Press.
- Mahoney, James, and Terrie Larkin. 2008. Comparative-historical Analysis in Contemporary Political Science In *The Oxford handbook of political methodology*, edited by J. M. Box-Steffensmeier, H. E. Brady and D. Collier. Oxford ; New York: Oxford University Press.

- Manfroni, Carlos A., ed. 1997. *La Convencion Interamericana Contra La Corrupcion: Anotada y Comentada*. Buenos Aires, Argentina.
- Manor, James. 2010. Disappointment Reconsidered: Civil Society's Efforts For Better Governance <http://www.ids.ac.uk/index.cfm?objectID=2A48A70F-E165-5BE6-ACEA7125B933FFAA&flushcache=1>.
- McAdam, Doug, Sidney G. Tarrow, and Charles Tilly. 2001. *Dynamics of contention, Cambridge studies in contentious politics*. New York: Cambridge University Press.
- McCarthy, Paul. 2005. "Drivers of change: An Evaluation of the Advocacy and Legal Advice Centers Project".
- McGee, R., and J. Gaventa. 2010. 'Review of Impact and Effectiveness of Transparency and Accountability Initiatives '. <http://www.ids.ac.uk/go/idspublication/review-of-impact-and-effectiveness-of-transparency-and-accountability-initiative>.
- MESICIC. 2010. Minutes of the Third Meeting of the Conference of the States Party to the MESICIC. In *Third Meeting of the Conference of the States Parties* Brasilia, Brazil.
- Michener, Robert Gregory. 2010. *The Surrender of Secrecy: Explaining the Emergence of Strong Access to Information Laws in Latin America*, The University of Texas Austin.
- Moreno Ocampo, Luis 1993. *En defensa propia : cómo salir de la corrupción*. Buenos Aires: Editorial Sudamericana.
- Morris, Stephen, and Charles Blake. 2010. Edited by S. Morris and C. Blake, *Corruption and Politics in Latin America: National and Regional Dynamics*. Boulder, Co. : Lynne Rienner
- Muñoz W., Alex. 2008. Transición a la democracia, políticas de probidad y mecanismos internacionales de protección de derechos humanos. El caso de Chile. In *Transparencia y Probidad Pública. Estudios de Caso de América Latina*, edited by J. Zalaquett Daher and A. Muñoz W. Santiago de Chile: Centro de Derechos Humanos.
- Naim, Moises. 1995. The Corruption Eruption. *The Brown Journal of World Affairs* 2 (2).
- Neubert, Dieter 2009. New Actors and Processes in Contemporary Standard-Setting: Local and regional non-state actors on the margins of public policy in Africa In *Non-state actors as standard setters*, edited by A. Peters. New York: Cambridge University Press
- Nino, Carlos Santiago. 1992. *Un país al margen de la ley : estudio de la anomia como componente del subdesarrollo argentino*. Buenos Aires Argentina: Emece Editores.
- O'Donnell, Guillermo A. 1997. *Contrapuntos : ensayos escogidos sobre autoritarismo y democratizaciôn*. 1a. ed. Vol. 1, *Latinoamericana*. Buenos Aires: Paidãos.
- OAS. 2001. Adaptando la legislación penal a la Convención Interamericana contra la Corrupción. OAS.
- . 2008. Ley modelo de acceso a la información administrativa. In *Legislación Modelo*, edited by H. d. C. Jurídica: OAS.
- . 2008. Ley Modelo Sobre Normas De Conducta Para El Desempeño De Funciones Públicas. In *Legislaciones Modelo*, edited by H. d. C. Jurídica: OAS.
- . 2010. Consultoría para Elaborar el Plan de Acción para la Implementación de las Recomendaciones del Comité de Expertos del MESICIC para el Cumplimiento de la Convención Interamericana Contra La Corrupción. Guatemala: Secretaría de Asuntos Jurídicos de la Secretaría General de la Organización de Estados Americanos.
- OECD. 2002. Public Sector Transparency and Accountability: Making it Happen.
- . 2010. Do No Harm: International Support For Statebuilding. Paris: OECD.
- Olmedo Bustos, Juan Pablo. 2009. Claude Reyes, Marcel y otros contra Chile. Los efectos de un fallo de la Corte Interamericana de Derechos Humanos. Comentarios. . In *El nuevo derecho administrativo global en América Latina,,* edited by B. Kingsbury and et.al. Buenos Aires: RAP.
- Open Society Institute. 2010. Strategy 2010-11. edited by L. A. Program. Washington, DC: Open Society Institute
- Parker, Norma, Gerardo Berthin, Roberto de Michele, and Yemile Mizrahi. 2004. Corruption in Latin America: A Desk Assessment. In *Americas' Accountability Anti-Corruption Project* edited by I. Casals and Associates: U.S. Agency for International Development (USAID).
- Pedone, Luis. 1998. Actores y mecanismos internacionales. In *La hora de la transparencia en América Latina. El manual de anticorrupción en la función pública*, edited by J. Lozano and V. Merino Dinardi. Buenos Aires: Granica.

- Peñailillo López, Miguel Angel. 2001 - 2002. Reflexiones sobre la presencia y perspectivas de la Convención Interamericana contra la Corrupción en Chile. *Revista Probidad*, December to January.
- . 2008. Impacto de los Informes de la Sociedad Civil en los Informes Nacionales del Mecanismo de Seguimiento de la Convención Interamericana contra la Corrupción. edited by D. d. I. Américas. Berlin Transparency International
- Pereyra, Sebastián. 2009. La corrupción como problema público en la Argentina de los años 90: un análisis de las actividades de denuncia. In *2009 Congress of the Latin American Studies Association*. Río de Janeiro, Brazil.
- Peruzzotti, Enrique 2006. Improving Governance: Civil Society's Efforts For More Accountable Government In Latin America. <http://www.ids.ac.uk/index.cfm?objectID=2A45FB8D-E1B8-0C28-C3C46025DD2BE55D&flushcache=1>.
- Peruzzotti, Enrique, and Catalina Smulovitz. 2006. *Enforcing the rule of law : social accountability in the new Latin American democracies, Pitt Latin American series*. Pittsburgh, PA: University of Pittsburgh Press.
- Pierson, Paul. 1996. The Path to European Integration: A Historical Institutional Analysis. *Comparative Political Studie* 29 (2).
- Pieth, Mark. 2008. *Recovering stolen assets*. New York: Peter Lang.
- Poli, Maria, Agustina Giraudy, and Florencia Guertzovich. 2010. *Societal Accountability: A tactical toolkit*. Washington DC and Buenos Aires
- Prado Ortiz, Silvio. 2007. Programa Convenciones Internacionales de Transparency International: Informe de evaluación externa del período octubre 2004- febrero 2007. edited by D. R. d. I. Américas. Berlin Transparency International.
- Risse-Kappen, Thomas, Steve C. Ropp, and Kathryn Sikkink. 1999. *The power of human rights : international norms and domestic change, Cambridge studies in international relations ; 66*. New York: Cambridge University Press.
- Roberts, Alasdair. 2008. *Blacked out : government secrecy in the information age*. Cambridge: Cambridge University Press.
- Rose-Ackerman, Susan. 2005. *From elections to democracy : building accountable government in Hungary and Poland*. Cambridge, UK ; New York: Cambridge University Press.
- Rosenson, Beth. 2005. *Shadowlands of Conduct: Ethics and State Politics*. Washington, D.C.: Georgetown University Press.
- Rosenthal, Alan. 1996. *Drawing the line : legislative ethics in the states*. Lincoln: University of Nebraska Press.
- Rustow, Dankwart. 1970. Transitions to Democracy: Toward a Dynamic Model. *Comparative politics*.
- Saba, Roberto. 2002. El movimiento de derechos humanos, las organizaciones de participación ciudadana y el proceso de construcción de la sociedad civil y el Estado de derecho en la Argentina. In *Sociedad civil, esfera pública y democratización en América Latina: Andes y Cono Sur*, edited by A. Panfichi. Mexico: Fondo de Cultura Económica.
- Sabel, Charles, and Joshua Cohen. 2006. Norms and global institutions. In *Princeton Global Governance Workshop*. Princeton University, Princeton.
- Saint-Martin, Denis. 2008. The Watergate Effect: Or, Why is the Ethics Bar Constantly Rising? . In *Conflict of interest and public life : cross-national perspectives*, edited by C. Trost and A. L. Gash. Cambridge ; New York: Cambridge University Press.
- Sikkink, Kathryn. 2005. Patterns of Dynamic Multilevel Governance and the Insider-Outsider Coalition. In *Transnational Protest and Global Activism*, edited by D. Della Porta and S. Tarrow. New York: Rowman and Littlefield.
- Smulovitz, Catalina, and Enrique Peruzzotti. 2000. Societal accountability in Latin America. *Journal of Democracy* 11 (4):147-158.
- . 2002. Held to Account: Experiences of Social Accountability in Latin America. *Journal of Human Development* 3 (2):147-158.
- Tandon, Rajesh. 1999. Civil Society and Policy Reform.
- Tarullo, Daniel K. 2004. The Limits of Institutional Design: Implementing the OECD Anti-Bribery Convention. *Virginia Journal of International Law*.

- The World Bank - UNODC. 2011. *STAR (Stolen Asset Recovery Initiative) 2011* [cited May 1 2011]. Available from [http://www1.worldbank.org/publicsector/star\\_site/contact\\_us.html](http://www1.worldbank.org/publicsector/star_site/contact_us.html).
- The World Bank. 2009. *Income and Asset Declarations: Tools and Trade-offs* Washington, DC: The World Bank.
- Timilsina, Anga R. . 2010. *The Prevention of Corruption: Tools, Methodologies and Good Practices –UNDP Experiences*. In *1st Meeting of the Open-Ended Intergovernmental Working Group on Prevention*, edited by UNDP: UNDP.
- Transparency International. 2006. *Consolidando el Cambio: La Convencion Inter-Americana contra la Corrupcion en su Segunda Decada* edited by D. R. d. I. Americas. Berlin: Transparency International.
- . 2008. *2012 Estrategia de Transparency International en Latinoamérica y el Caribe*.
- . 2010. *Vínculo entre Agenda Anticorrupcion y DESC: Estudio en Cinco Paises* Berlin: Transparency International.
- . 2011. *Strategy 2015. People, Institutions, Laws, Values, Network, Impact*. Berlin.
- Unsworth, Sue. 2008. *Is Political Analysis Changing Donor Behaviour?* In *Conference of the Development Studies Association*. London.
- Vargas Carreño, Edmundo. 2000. *La Convención Interamericana Contra La Corrupción*. Paper read at Conferencia sobre Transparencia y Desarrollo en América Latina y el Caribe, May.
- Vicepresidencia de Sectores y Conocimiento. 2010. *Participación de la Sociedad Civil de América Latina y el Caribe en el proceso de seguimiento de la implementación de las Convenciones Internacionales contra la Corrupción: lecciones aprendidas del apoyo del BID*. Inter-American Development Bank.
- Williams, Phil, and Dimitri Vlassis. 2001. *Combating transnational crime : concepts, activities, and responses*. London ; Portland, OR: Frank Cass.
- Young, Oran R., and Marc A. Levy. 1999. *The effectiveness of international environmental regimes*. In *The effectiveness of international environmental regimes : causal connections and behavioral mechanisms*, edited by O. R. Young. Cambridge, Mass.: MIT Press.
- Zalaquett Daher, José. 2005. *Transparencia, rendición de cuentas y lucha contra la corrupción en América*.
- . 2008. *Introducción* In *Transparencia y Probidad Pública. Estudios de Caso de América Latina*, edited by J. Zalaquett Daher and A. Muñoz W. Santiago de Chile: Centro de Derechos Humanos.



### About the Author

Florencia Guerzovich is an international practitioner, political economy analyst, and researcher focusing on governance, accountability, anticorruption, and effectiveness issues. Florencia has been working on these issues since 2000, when she joined the Department of Transparency Policies of the Argentinean Anticorruption Office. Over the last decade, Florencia has been involved in the negotiation, implementation, monitoring, and analysis of international anticorruption conventions and their peer review mechanisms. Currently, Florencia works as a consultant for a number of international development partners, including the Open Society Foundations and The World Bank.

Florencia earned her PhD in political science from Northwestern University. Her dissertation (Building Accountability: The Politics of Anticorruption) systematically analyzes when, where, how, and why alternative international strategies are able to bring about sustainable anticorruption reforms. For this study she conducted fieldwork in more than 30 countries and international organizations. Florencia also has an MA in International Relations from FLACSO/Argentina and a BA in International Studies from Universidad Torcuato di Tella.

Florencia can be reached at [mfg@u.northwestern.edu](mailto:mfg@u.northwestern.edu).