

Analysis

Paper



68/2023

04/10/2023

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The misery of some, the wealth of others: Corruption in Latin America and the Caribbean

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Abstract:

Corruption in states unleashes a series of unorthodox practices that undermine democracies and citizens' rights, severely affecting not only economic development but also social and cultural growth.

Corruption scandals in Latin America and the Caribbean have involved leading political figures, influential businessmen and government agencies, and are a chronic problem that seems to have no real solution in the short term.

In some countries, corruption is aggravated by the presence of organised crime such as drug trafficking, contributing to violence and instability in the region. Impunity and a lack judicial independence are worrying in many cases, threatened by the ruling political class and various kinds of pressure groups.

Keywords:

Corruption, Security, Transparency, Organised Crime, Latin America, Caribbean

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The misery of some, the wealth of others: Corruption in Latin America and the Caribbean

Resumen:

La corrupción en los Estados desata una serie de prácticas poco ortodoxas que socavan las democracias y los derechos de los ciudadanos, afectando gravemente no solo al desarrollo económico sino también al crecimiento social o cultural.

Los escándalos de corrupción en América Latina y el Caribe han involucrado a figuras políticas destacadas, empresarios influyentes y organismos gubernamentales, siendo un problema crónico que parece no tener una solución real a corto plazo.

La corrupción se ve agravada por la presencia del crimen organizado, como el narcotráfico, en algunos países. Esto contribuye a la violencia y la inestabilidad en la región. La impunidad y la falta de independencia del poder judicial son preocupantes en muchos casos, amenazado por la clase política dominante y por grupos de presión de variada tipología.

Palabras clave:

Corrupción, Seguridad, Transparencia, Crimen Organizado, América Latina, Caribe

How to cite this document:

REYES RAMÍREZ, Rocío de los. *The misery of some, the wealth of others: Corruption in Latin America and the Caribbean.* IEEE Analysis Paper 68/2023.

https://www.ieee.es/Galerias/fichero/docs_analisis/2023/DIEEEA68_2023_ROCREY_America_ ENG.pdf_and/or_bie3_link (accessed on day/month/year)







Introduction:

Political corruption has been a chronic problem in many Latin American and Caribbean countries, and has had a significant impact on economic development, political stability and public confidence in the region. Corruption scandals involving high-level politicians, influential businessmen and government agencies have caused social unrest and political turmoil in several countries. Moreover, the fight against corruption has gained a prominent place on the political agenda in many of these nations.

Corruption clearly impoverishes countries, because even if their economies grow, wealth does not trickle down to the lower strata of society and is not reflected in their well-being.

We must not forget either that Ibero-America is characterised by a growing disparity in the distribution of wealth, the fragility of its social and political institutions, the influence of clientelism in electoral processes, the predominance of a political culture that fosters distrust not only among individuals but also towards institutions, and a continuous lack of compliance with established norms. These factors add up to create an environment conducive to the proliferation of corrupt behaviour and the pursuit of private gain to the detriment of the general welfare¹.

The United Nations Convention against Corruption states that "Corruption is an insidious plague that has a wide range of corrosive consequences for society. It undermines democracy and the rule of law, gives rise to human rights violations, distorts markets, undermines quality and allows organised crime, terrorism and other threats to human security to flourish".²

Similarly, in the regional context of the Inter-American Human Rights System, corruption has been identified as a factor hindering the protection of rights, and it has been highlighted how it negatively affects states' democracy, making it difficult for them to fulfil their human rights obligations in their civil and political as well as economic, social,

https://www.vanderbilt.edu/lapop/ab2010/Report on the Americas Spanish Formatted V3 4april2011.pdf ² United Nations Convention against Corruption. 2003. Preamble, para. 1. [Online] Available at:





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¹ SELIGSON, Mitchel and SMITH, Amy E. Political Culture of Democracy, 2010. Democratic consolidation in the Americas in difficult times. Latin American Public Opinion Project-Americas Barometer, Tennessee, USA. [Online] Available at:



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cultural and environmental aspects. It also weakens the capacity to govern, fosters impunity, undermines the rule of law and exacerbates inequality³.

The difference between corruption and other human rights violations is the victims' lack of visibility. The victims of corruption are often many in number, suffering serious harm while remaining anonymous, particularly the groups historically discriminated against such as people living in poverty, women, indigenous peoples, Afro-descendants, migrants and people deprived of their liberty.

Corruption has unfortunately become a way of doing politics in the Western hemisphere. The impact of fake news and the use of social media is creating a narrative that allows many clearly corrupt political leaders to impose a discourse in their own countries with false information about their innocence. Throughout Latin America and the Caribbean, we find ex-presidents, ex-legislators, politicians and important leaders who immediately deny accusations of corruption, arguing that it is a political campaign against them, which allows them to continue to maintain significant political power, private business, influence, and so on. But above all, they manage to maintain a truly alarming percentage of support among the population and to continue in political life in their countries.

Corruption in Latin America and the Caribbean

Transparency International defines corruption as the abuse of delegated power for private gain⁴.

Political corruption in Latin America refers to improper and dishonest practices that involve politicians, public officials and/or political parties in illegal or unethical activities for their personal benefit or for the benefit of interest groups, to the detriment of the public interest and the welfare of society. In analysing corruption as a concept, however, we must bear in mind that some activities may be seen as corrupt in some places and not in others because they are associated with culture⁵.

⁵ AZNAR FERNANDEZ-MONTESINOS, Federico; PUIG SOLER, Sebastián. Corruption as a geopolitical factor. Analysis Paper. IEEE 07/2023. [Online] Available at:





³ Inter-American Commission on Human Rights (IACHR) Resolution 1/18 Corruption and Human Rights. March, 2018. [Online] Available at: https://www.oas.org/es/cidh/decisiones/pdf/resolucion-1-18-es.pdf

⁴ Transparency International. WHAT IS CORRUPTION? [Online] Available at: https://www.transparency.org/en/what-is-corruption



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Moreover, the corruption in these countries is no different from the corruption there is in Europe, for example, but the problems and solutions will be different in a society where there are only isolated cases as opposed to a society where corruption is endemic. Examples of political corruption in the region include:

Bribery: the acceptance of illegal payments or bribes by public officials in exchange for political favours or the award of government contracts.

Nepotism: placing undeserving family members or friends in government or political positions with the aim of benefiting those close to them.

Embezzlement of public funds: the misappropriation of state resources for personal or partisan purposes rather than for public programmes and services.

Electoral fraud: manipulation of electoral processes, vote buying and other fraudulent methods to influence election results.

Money laundering: concealing illicit funds through false or complex financial transactions.

Clientelism: the exchange of political favours for electoral support, which can result in an unfair distribution of public resources and services.

Lack of transparency: lack of access to government information and opacity in decision-making, facilitating corruption.

Political corruption can have serious consequences in Latin America, including the erosion of trust in government institutions, economic inequality, lack of development and the weakening of democracy. Fighting corruption has been a persistent challenge in the region and is a central issue on the political agenda of many Latin American countries.

The consequences of corruption are manifold and damaging at both the individual and collective levels. At the individual level, corruption can lead to distrust of public institutions and disillusionment with the political system. At the collective level, it can lead to political instability, deteriorating public services and economic stagnation. Moreover, corruption can fuel other social problems such as inequality and organised crime.





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Experts agree that recent regional scandals have shown that corruption in Latin America and the Caribbean is systemic, involving an intricate web of far-reaching methods and mechanisms⁶.

Having that said, we are used to the Western perspective that what happens in Latin America is a clear manifestation of corruption, while the cases in this part of the world are neither refuted in the same way, nor analysed in the same depth. It is important to question the ownership of large fortunes in tax havens, such as the Panama Papers⁷, among others. For the most part, those who benefit from these practices are not people of Latin American origin.

The ways in which funds are diverted have become more sophisticated, and governance and control systems in the region have not evolved sufficiently to cope with these new challenges. At the same time, in many countries there is also what is known as "petty corruption", which although different in magnitude from large bribes and deals, has a direct impact on the daily lives of ordinary citizens⁸.

The pandemic also increased opportunities for public servants in the region to engage in acts of corruption involving the misuse of government resources. Amid the declaration of states of emergency, several countries opted to temporarily suspend certain regulations overseeing public procurement. Face-to-face sessions of Congress were also limited or suspended and regulations requiring officials to respond to media requests for information were relaxed.

Another issue that characterises the current situation in the region is impunity, which is reflected in the absence of effective action in corruption cases that reach the highest levels of the state. These cases involve influential businessmen across national borders, with allegations ranging from money laundering to the use of offshore companies, among others.

⁸ PLATA, Gabriel. *Reforma pendiente de América Latina*. 2018. Inter-American Development Bank[Online] Available at: https://www.iadb.org/es/mejorandovidas/la-reforma-pendiente-de-america-latina



⁶ World Bank Group. Basic data: The fight against corruption. 19-02-2021. [Online] Available at: https://www.bancomundial.org/es/news/factsheet/2020/02/19/anticorruption-fact-sheet

⁷ Leaked confidential documents from the Panamanian law firm Mossack Fonseca exposed how thousands of individuals and organisations around the world had set up companies in tax havens to hide their assets and avoid tax obligations



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According to the Latin America Political Risk Report 2023⁹, the region faces a challenging year with a growing perception of insecurity vis-à-vis increasingly widespread organised crime and the retreat of democracies besieged by populism, polarisation and authoritarian proposals.

Transparency International lists Nicaragua, Honduras, Haiti and Venezuela as the most corrupt countries in Latin America and the Caribbean¹⁰, well above the global average. In the Corruption Perceptions Index 2022, 180 countries and territories were assessed on perceptions of corruption in the public sphere. It uses a scale ranging from 0 to 100, where zero represents high corruption and 100 denotes very low corruption.

It must be remembered that, according to these data, corruption has been entrenched in Latin America over the last decade, showing little progress and numerous setbacks in terms of democracy and human rights. The organisation has also warned of a significant deterioration in the Central American region. In this context, virtually no country can claim to have experienced substantial improvements in the last ten years since the first publication of this index.

Unfortunately, we tend to understand corruption as something exclusive to states, but this may not be entirely true and civil society needs to be included. We must bear in mind that corruption has become so ingrained in Latin American society that it has become a kind of standard procedure for carrying out different activities to do with business, obtaining documents, accessing medical services or any other purpose. In many of these countries, this corrupt behaviour has become normalised and is considered the accepted and normal way of carrying out everyday tasks. Not only do people engage in corruption, but they also come to see it as acceptable to take part in these practices, such as paying a bribe to a public official 11, considering them to have a less damaging impact.

¹¹ GONZÁLEZ RAMÍREZ, María Fernanda y MONSIVÁIS-CARRILLO, Alejandro ¿Por qué la ciudadanía acepta pagar sobornos? La tolerancia a la corrupción en América Latina. 20-20-22. In: Latin America Today. Vol. 91 (2022). [Online] Available at: https://revistas.usal.es/cuatro/index.php/1130-2887/article/view/28059/28748



⁹ SAHD K., Jorge, ZOVATTO, Daniel and ROJAS, Diego. (Editors) Latin America Political Risk Report 2023. UC Centre. CUIC International Studies . [Online] Available at: https://dialogopolitico.org/documentos/riesgo-politico-america-latina-2023/

¹⁰ CNN Latin American countries with the highest levels of perceived corruption, according to Transparency International. 1 February 2023 .[Online] Available at: https://cnnespanol.cnn.com/2023/02/01/america-latina-paises-mas-corruptos-segun-transparencia-internacional-orix/



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The phenomenon is also related to the quality of education and the lack of supervision and control.

Another problem rooted in the region is that when there is a change of government in countries that have made progress in the fight against corruption, questions are often raised about the results of previous investigations.

There are governments with authoritarian or demagogic characteristics which, despite having come to power via democratic processes, often use their position to weaken checks and balances, undermine the independence of the judiciary and attack the media. At the core of the American continent, in El Salvador, we find a government that defies any body that demands respect for human rights in its fight against crime, and that removes the prosecutor who was investigating allegations of corruption and official negotiations with gangs, leading to at least four other prosecutors fleeing the country for fear of persecution¹². And in neighbouring Guatemala, the current incumbent president and the Public Prosecutor's Office have obstructed prosecutions for corruption and other serious crimes, pushing for bogus criminal prosecutions against judges, prosecutors and independent journalists. Then there is Venezuela, where the judicial system lost its independence from the state in 2004. Effective justice measures have not been implemented in cases of crimes committed with the complicity or knowledge of high-level authorities. And not far away, the state has intensified systematic repression in Nicaragua against critics, journalists and human rights defenders. Many people have been arbitrarily detained and remain in prison.

In recent years, several countries in Latin America and the Caribbean have seen an increase in the activity of criminal networks and human rights violations. This is why corruption is compounded in some countries by the presence of organised crime, particularly drug trafficking, which contributes to the rising levels of violence in the region. In some countries, the situation goes as far as state capture, as is the case in Venezuela and Nicaragua, where organised criminal structures are deeply embedded in government institutions¹³.

¹³DARZY, Maricel. *Corruption, "the basis of our failures as a society "*DW.31-01-23. [Online] Available at: https://www.dw.com/es/la-corrupci%C3%B3n-est%C3%A1



¹² BBC News. Bukele and Justice in El Salvador: "This is an extremely serious event and takes us back to the worst attacks on democracy that affected our region in the 20th century". 4 April 2021. [Online] Available at: https://www.bbc.com/mundo/noticias-america-latina-56976441



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Likewise, in Honduras, Guatemala and Peru, evidence suggests that organised crime exerts strong influence over candidates and politicians, financing electoral campaigns, their members even running for public office themselves¹⁴.

Sadly, one could also say that the judiciary is "hijacked" by organised crime. Organised crime of this kind like that represented in Colombia by seven parallel dialogue tables is helping to perpetuate a damaging cycle fuelled by both impunity and arrogance, seen in a previous government that did everything possible to prevent the implementation of the FARC peace agreement. As a result, a new period of violence was generated, which the current government has yet to fully resolve.

This situation sets the stage for attacks on the media, especially journalists. The danger is evident when they disseminate information about alleged collaboration between the state, the police, the armed forces and drug trafficking groups. Reporters Without Borders' annual Press Freedom Index report ranks Latin America as the most dangerous area, with Mexico, with 11 deaths, topping the rankings for the fourth consecutive year, ahead of even Ukraine¹⁵.

From an economic perspective, corruption implies a social cost when public officials make decisions based on personal interests rather than the public interest and do not consider the possible negative consequences of their decisions for the community.

Particularly striking in this regard is the case of Brazil, where the president of the previous government, despite having focused his campaign on a platform of fighting corruption, became embroiled in investigations that addressed, among other aspects, the misuse of public funds in the Ministry of Education and in the management of the COVID-19 pandemic¹⁶, and has now been sentenced to eight years of democratic disqualification for delegitimising the elections. Like one of his predecessors, he was sentenced to 33 years in prison for siphoning off resources from Petrobras¹⁷. Then there is the case of the

¹⁷ Collor was alleged to have received bribes worth 30 million reais (about \$6 million or €5.6 million) between 2010 and 2014 from subsidiaries of Petrobras, a semi-public Brazilian oil company.



¹⁴ Transparency International. Corruption perceptions index reveals scant progress against corruption as world becomes more violent. https://www.transparency.org/en/press/2022-corruption-perceptions-index-reveals-scant-progress-against-corruption-as-world-becomes-more-violent

¹⁵ Reporters Without Borders (RSF) World Press Freedom Index 2023. [Online] Available at: https://www.rsf-es.org/clasificacion-2023-analisis-general-los-peligros-de-la-industria-del-engano/

¹⁶ Human Rights Watch. World Report 2023. Brazil. Events 2022. [Online] Available at: https://www.hrw.org/es/world-report/2023/country-chapters/brazil



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current president himself, who spent two years behind bars for the crimes of passive corruption and money laundering¹⁸.

In Ecuador, its president decreed the dissolution of the opposition-majority National Assembly, leading to the so-called "death cross" and a call for new elections amidst the impeachment trial initiated against him on charges of misappropriation of public funds ¹⁹.

The same type of corruption by which Juan Santos Cruz became the second Bolivian minister, after being part of the Cabinet, to end up in prison. He is accused of having received \$2.7 million in bribes from contractors of the Ministry of Environment and Water, of which he was the head.

Meanwhile, Haiti's dire security situation is worsening due to political deadlock, a dysfunctional judicial system and impunity in cases of human rights violations. Prime Minister Ariel Henry has assumed full control of the government since the assassination of President Moïse in 2021, without reaching consensus on a democratic transition. In addition, there have been no prosecutions or convictions for killings, kidnappings and sexual violence since the beginning of the year²⁰.

Measures to combat corruption

As analysed above, among the chronic human rights problems that Latin American and Caribbean governments must address is corruption, while at the same time protecting democracy, as pointed out by Human Rights Watch in its World Report 2023²¹. Recurring failures to address these problems have been used by some politicians to justify strategies that restrict or violate rights.

²¹Human Rights Watch. *Latin America must address poverty, corruption and insecurity*. 12 January 23.[online]Available at: https://www.hrw.org/es/news/2023/01/12/america-latina-debe-abordar-la-pobreza-la-corrupcion-y-la-inseguridad



¹⁸ Operation Lava Jato, Brazil's largest corruption operation and one of the biggest scandals in its history,

¹⁹BBC News World. What is the "death cross" invoked by President Lasso in Ecuador and what is happening now. 17 May 2023. [Online] Available at: https://www.bbc.com/mundo/noticias-america-latina-65624119

²⁰ Human Rights Watch "Living a nightmare" Haiti needs an urgent, rights-based response to the escalating crisis. 14 August 2023. [Online] Available at: https://www.hrw.org/es/report/2023/08/14/viviendo-una-pesadilla/haiti-necesita-una-respuesta-urgente-y-basada-en-los



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In most cases, promises to fight corruption made during the election campaign do not translate into concrete action; many candidates present themselves as "standard bearers" in this fight, but unfortunately the problem mainly persists. An example in this regard is Mexico where, despite anti-corruption rhetoric, no significant progress has been made in this area.

The key to fighting and detecting corruption is no secret; it is about building independent institutions and applying the law equally to all, because in some countries anti-corruption efforts are used as a political tool to fight opponents.

The independence of the administrative bodies is a crucial issue to ensure transparency and the fight against corruption. The independence of these bodies generally refers to their ability to act without external interference and without being subject to undue influence. Corruption is a complex problem that is often measured by perception, although it is important to move away from such metrics and assess the actual capacity of institutions to uncover and combat it.

To this effect, the degree of independence of bodies such as the Prosecutor's Office and the Attorney General's Office may vary depending on how they are established in different countries. It is also important to consider the budget allocated to anti-corruption agencies and their source of funding. Financial independence is crucial to ensure that these agencies can carry out their work without being subject to external pressures.

However, uncertainty in access to the resources needed to meet basic needs, stemming from consecutive crises in areas such as health, energy and rising food prices, has changed policy priorities in the countries of the region.

In a similar vein, we could point to a current adverse geopolitical context for the fight against corruption. The need to reduce energy costs has prompted a revision of the international community's stance towards authoritarian and corrupt regimes such as Venezuela.

However, "the demagogic leader" does not see the Constitution as a logical limit to his authority, but rather as an unacceptable obstacle to his rule. This approach is replicated





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in several countries in the region, including Honduras, Venezuela, Nicaragua, Haiti and, to a lesser extent, Mexico²².

In the last decade, nations such as Uruguay, Chile and Costa Rica have implemented effective anti-corruption strategies, as reported in the fifth edition of the Anti-Corruption Capacity Index (CCC) 2023²³.

As the report itself makes clear, it is not intended to single out or stigmatise countries in the region. Rather, it seeks to promote a dialogue leading to the formulation of public policies that will enable governments, society and other actors to identify country-specific deficiencies. The purpose is to find effective mechanisms to combat corruption and improve the situation in the region.

The index shows that although the fight against corruption remains a major concern for voters, efforts to combat it are losing momentum in many Latin American countries.

²³ A publication produced by the Americas Society/Council of the Americas (AS/COA) and the company Control Risks, which evaluates the capacity of Latin American countries to detect, punish and prevent corruption. [online] Available at: https://www.as-coa.org/sites/default/files/imce_files/CCC_2023_Reportaje_Espan%CC%83ol.pdf



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²² DRAZER, Maricel. *IT: Corruption "deteriorates" democracy in Latin America*. DW. 25 January 2022. [Online] Available at: https://www.dw.com/es/transparencia-internacional-la-corrupci%C3%B3n-deteriora-la-democracia-en-am%C3%A9rica-latina/a-60552358

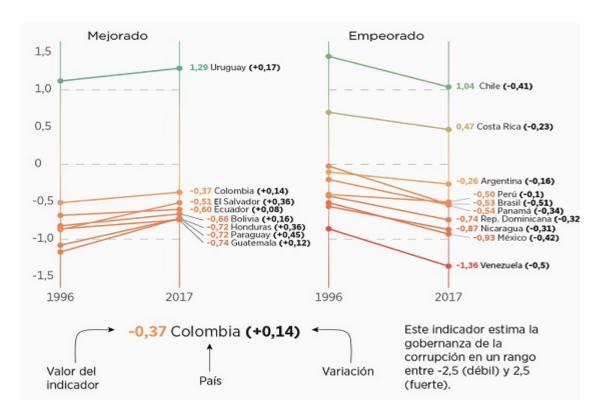


Figure 1: Countries that had improved or worsened their control of corruption. Data from WorldWide Governance Indicators, World Bank (2018). Source: Inter-American Development Bank. BID.

Despite declining in some indicators in 2022, Uruguay leads the region by a wide margin in the different categories assessed, such as democracy and political institutions, civil society and media.

Let us remember that around 30 years ago Uruguay was emerging from a dictatorship and has managed to consolidate its democratic regime with alternation of power and above all a clear separation of the different state institutions.

The country that saw the greatest improvement in its score and continues the trend it has shown over the past two years is the Dominican Republic, which moved from 10th place in 2021 to fifth place in 2022, where it remains. Above all, there is a 24% improvement in legal capacity. Since taking office in 2020, President Luis Abinader has placed great emphasis on this struggle, which has contributed to a steady progress overall.

At the other end of the table, Guatemala is the country that has experienced the most significant drop in 2023, with a 15% decrease compared to the previous year. This reinforces a downward trend that has continued over the last four years, and is particularly pronounced in two categories: legal capacity, with a drop of 20%, and democracy and political institutions, with a decrease of 16%. Bolivia ranks just ahead of



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Venezuela on the variable assessing judicial independence, and over the past year the increasing politicisation of the Bolivian judiciary has been highlighted.

As for the variable measuring civil society mobilisation against corruption, a decrease of 18% was recorded, while the variable assessing the quality of the press fell by 15%, placing Venezuela in second to last place in both categories.

However, it is important to note that the lack of complete statistics and data from Venezuela is due to a lack of transparency on the part of the Venezuelan regime, which seeks to hide uncomfortable information and avoid unfavourable criticism of its management, thereby limiting accountability.

In this regard, international organisations such as the Organisation for Economic Cooperation and Development (OECD)²⁴ are working to strengthen the implementation and enforcement of international and regional anti-corruption conventions and to promote integrity in the Latin American region. However, despite these efforts, the fight against corruption remains a major challenge in the region.







Figure 2: Anti-Corruption Capacity Index (CCC) 2023. Source: Americas Society/Council of the Americas

In Latin America, a number of actions need to be implemented to effectively combat corruption, as pointed out by Insight Crime²⁵. These measures include ensuring the independence and adequate resourcing of the judiciary, encouraging innovative approaches to judicial cooperation and investigation, expanding transparency in

²⁵ Insight Crime. *5 ways to fight corruption in Latin America*. 24 July 2018. [Online] Available at: https://es.insightcrime.org/noticias/analisis/5-maneras-de-combatir-la-corrupcion-en-latinoamerica/





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government and finance, overseeing the public procurement process, and promoting competitive and transparent electoral systems.

However, the private sector also has a very serious responsibility in these matters, especially not to engage in corruption and not to encourage it. Corruption cannot be a mechanism for doing business²⁶.

Conclusions

Corruption persists, continuing to display its deep-rootedness in the functioning of states and in the daily life of societies in the region.

This situation has led some governments to respond by enacting legislation and strengthening judicial systems. In addition, steps are being taken to increase transparency and strengthen accountability. However, there is still a long way to go to address legal loopholes and ensure the effectiveness of ongoing measures.

Over several years, public interest in and aversion to corruption has grown, a phenomenon whose influences are pervasive and seem to know no bounds. Unfortunately, however, conditions of poverty often provide fertile ground for certain political or ideological agendas to exploit the situation to their own advantage. It is a phenomenon that has been a constant in the history of Ibero-America, reflected in revolutions characterised by factional power struggles, the classic "you take it off and I'll put it on", which have been repeated in many countries without achieving significant improvements.

The lack of scruples of those who seek power with the sole intention of their own enrichment and improved social status is evident. They blatantly display the consequences of their abuses of power, which turn into unforgivable crimes and provoke a tacit and indignant rejection by society of what is supposed to be a democracy, but in reality is not.

²⁶ DRAZER, Maricel. Corruption, "the basis of our failures as a society". 31 January 2023. DW [Online] Available at: https://www.dw.com/es/la-corrupci%C3%B3n-est%C3%A1-en-la-base-de-todos-nuestros-fracasos-como-sociedad-sostiene-presidenta-de-transparencia-internacional/a-64568423





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The media also plays an important role in this fierce fight, as they have the capacity to detect major corruption cases. This is especially true of late of the alternative media, which rely on social networks to keep civil society informed.

In the absence of political leadership, academia, the private sector, the media and civil society will have to take the initiative and work on formulating a new project to counteract the ineffectiveness that underlies populist discourse and corruption, since most actors find themselves mired in the same corrupt practices and fundamental problems they originally promised to eliminate, despite having presented themselves as saviours or agents of reform.

In the coming years, the region faces a significant challenge: to restore public confidence in public institutions through a transparent administration that minimises opportunities for fraud, thereby breaking the vicious circle of corruption.

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