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THE PLACE FOR COMBATING CORRUPTION ON THE MERCOSUR AGENDA (2003-2015)

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1 Introduction

Corruptions is among many of the problems facing modern societies, affecting all countries, without distinction of geographic region, level of development or wealth, political system, or any other possible criteria. As conceived by Leal (2013, 2015) and Leal and Silva (2014), corruption is a phenomenon of complex nature and multidimensional character which has serious consequences for the country and its citizens[3], affecting governability, weakening

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3 Conceptually, it is worth mentioning that specialized literature on the issue of corruption can be considered relatively recent, within the field of social sciences. According to Avritzer and Filgueiras (2011), a first approach to this problem dates back to the 1950s, when a functionalist analysis based on the premise that the lack of political institutionalization promoted corruption and privileging has become hegemonic sustained by modernizing solutions. Since the 1980s, in the context of market liberalization and liberal state reforms, an economic approach of this phenomenon was imposed, which assumed that the political analysis of corruption must adopt the premises of the economic method, focusing itself at those political actors who seek to maximize their income at the expense of public resources. Nowaday, a political approach to corruption has emerged that promotes the understanding of this problem from the point of view of

the democratic state of law and the legitimacy of institutions, and breaking core values such as integrity, ethics and confidence in public authorities.[4]

In this context, it is essential to emphasize the fact that corruption, in its public state facet, emerges and is strengthened at the expense of the patrimony of the State and, therefore, of resources destined to the formulation and implementation of public policies in general and, in particular, of those aiming at meeting the basic needs of the most vulnerable sectors of society. From that derives the need to rescue the implications of corruption not only on the political economy of developing countries, but also for social policy and, transversely, to the world of political philosophy, of human values. In this order of ideas, considering that a great part of studies on corruption has been developed from the reality of the developed world, and the market paradigm, it is important to argue about the need to conduct studies that adopt a "specific, peripheral and Latin American" approach or focus on the theme, as well as case studies that allow us to critically reflect on the degree of commitment of the continent's governments to mitigate a problem that weakens public action of the State aimed at achieving social justice.

Adopting a plural and multidisciplinary approach of corruption allows us to think and study it through its different edges, nuances and expressions. In this paper, firstly, corruption is thought of as a political problem, public and global, from which necessarily follows its character of an intermestic issue (Putnam 1996) or "international concern" (Ferreira and Morosini 2013). Therefore, the participation of the state, the public policies and resources are justified, given the understanding that, unlike the rest of the problems, there are no private remedies or solutions and, even less, strictly national ones. As such, this approach allows us to comprehend why, facing this transnational phenomenon, that knows no borders[5] and that erodes the most basic building elements of the relations between state and society, after almost fifteen years of international efforts, of intergovernmental cooperation, there has been the construction and development of common parameters for fighting corruption, beginning with the harmonization of national legislation.

Second, the study of such cooperative efforts against corruption seeks to be geographically situated in the Latin American reality, due to the need

societal values, public interest, and of the effects that the misuse of public resources generates in social policies and development of democratic societies.

4 To further read about these questions, see Leal (2006); Berthin Seles (2008); Granato and Oddone (2010); Wielandt and Artigas (2007).

5 This terminology is not used in the sense of "disavow" itself, but of "using" and "seize on" of national boundaries, symbol of state sovereignty and of state action, as a "means" to "escape" or flee from state persecution in repression of transnational crimes in general.

to increase the knowledge about regional experiences in dealing with this scourge. As well as to other countries and continents, for Latin America in particular, in conjunction with the transition from authoritarian regimes to more democratic systems, intergovernmental cooperation has revealed itself to be one of the inducing processes of new measures to combat corruption and to the improvement of existing ones, guaranteeing the multilateralism, *still under construction*, of a minimum normative standard on the continent.

The results of this process that began with discussions about bribery within the Organization for Economic Cooperation and Development (OECD) at the end of the 1980s, and continued to hemispheric level in the Organization of American States (OAS), and at the global level, in the United Nations (UN) itself, can only be evaluated over time. Nevertheless, as Berthin notes, these efforts "already form part of a basic platform from which you can launch and designing other initiatives with medium and larger reach perhaps more strategic and within the cycle framework of public policies for transparency and against corruption" (Berthin Siles 2008, 148).

In this anti-corruption context, in which the most important expressions are the Inter-American Convention and the United Nations Convention on the subject, the aim of this study is to analyze the place occupied by this issue on the Mercosur agenda[6]. Also, it aims to identify its institutional manifestations, in the period 2003-2015, understanding that the fight against corruption should no longer be thought of as an *end in itself,* but that it should be considered a strategic component of governability. In this sense, this is due to the fact that the efforts to carry forward this struggle promote the improvement of the public sector control over the members of the regional integration process, aimed at strengthening the institutional capabilities of the latter.

This objective, which seeks to be fulfilled from a survey, observation and documentary analysis, is justified, in the first place, because all member countries (full and associate) are also signatories of the international treaties mentioned above; second, regarding the period under study, because it could be expected that, since the years 2002/2003, the member countries of Mercosur would began to handle anti-corruption efforts undertaken nationally within the framework of the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption (MESICIC), and in respect of the UN Convention itself; and, third, only because after the "reformulation" of Mercosur from 2003 onwards, the adoption of new challenging

6 Acronym for "Mercado Común del Sur", an intergovernmental process of regional integration, comprising Argentina, Brazil, Uruguay, Paraguay and Venezuela as full members, Bolivia (in process of admission) and Chile, Colombia, Peru, Ecuador, Guyana and Surinam as associate members.

themes was made due to the mercantilist scheme of the neoliberal stage, in which the fight against corruption could be framed. Finally, it is important to note, as well, the absence of academic research that link corruption and Mercosur from an institutional perspective of integration.

Regarding the article description, it is divided into four parts, including this introduction and conclusions. In the second section, the evolution of the process of construction of common spaces for fighting corruption, materialized in the Conventions of the OAS of 1996 and the UN, 2003 will be addressed from a historical perspective. The third section is intended to analyze the place occupied by the anti-corruption topic in the regional agenda of Mercosur, as well as its manifestations in the scope of the bloc's institutional structure. Finally, the final comments will be held, from a reflection on the challenges to be faced by Mercosur countries.

2 The Fight Against Corruption in the Hemispheric and International Agendas

Until the early 1990s, the moment in which the search for an international standard against bribery and corruption was affirmed, the fight against the scourge of corruption did not integrate the international agenda. This was due to the understanding held by many countries that this matter should be addressed within the context of each national reality.

As it can be understood by the reading of Kochi (2002), the genesis of such an intention can be found in the United States, particularly in the *Foreign Corrupt Practices Acts of 1977* (FCPA), which penalized the payment of bribes of American firms to public foreign officials. According to the author, the FCPA was born as a measure to restore the confidence of firms and the US government, after a series of investigations that occurred in the 1970s revealed that over 400 Americans companies had made illegal payments to foreign public officials, politicians and political parties for an amount exceeding $ 300 million (Kochi 2002).

As in most countries bribery was considered an offense only when it was practiced with national officials, and not when it involved foreign officials (being possible to deduct from tax declaration the amount of the bribe delivered across national borders). Since the entry into force of the FCPA, many Americans companies claimed the existence of a competitive disadvantage compared to its rivals from Europe and Japan, mainly. For this reason, at the request of the private sector, the US government would begin, according to Vargas (2004), to press for including the issue of foreign bribery on the

agenda of the main multilateral forums of the time, among them, the OECD and the UN. Notwithstanding, for many countries, the goal of reaching an agreement on this issue was seen as an attempt of extending US unilateral policy out of its territory. The lack of consensus within the two organizations made the drafts of an eventual agreement in the matter left without effect and, consequently, the issue stayed buried for nearly two decades.

At the end of the 1980s, the international context seemed to give signs of change with respect to addressing issues such as bribery and corruption. Glynn, Kobrin and Naím (1997) cite examples of such a change: the approval of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, and the start of discussions and negotiations within the OECD of an agreement that prohibited and sanctioned bribery made by domestic companies to foreign public officials.

From President William Clinton's rise in 1993, the fight against bribery and corruption, understood as the internationalization of the rules of the FCPA, has become one of the priority areas of US international action. According to authors such as Elliot (1997) and Kochi (2002), the main concern of the government, in a context of deregulation and liberalization of trade and investment, was to provide "fairer" framework in which American companies could compete, suppressing any "competitive disadvantage" that the FCPA could lead to the Northern country companies against their foreign rivals.

Thus, until 1994, as a product of multiple discussions and negotiations, it was approved within the OECD, the recommendation that all member states took the necessary measures aimed at detecting, preventing and combating bribery of foreign public officials who were linked to international commercial transactions. The next step was, in December 1997, the approval of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions[7] that penalizes offering, promising or giving bribes to foreign public officials in order to obtain or retain international business transactions.

In parallel to the negotiation process of anti-corruption guidelines of the OECD, in the hemispheric sphere, the OAS would also carry a similar path. In 1992, the OAS General Assembly commissioned to the Inter-American Economic and Social Council that the issue of corrupt practices in international trade were incorporated to the agenda on the economic and social challenges for the decade of the "1990s and to prepare a study on the harmful effects of corrupt practices".[8] Until 1994, a series of discussions within the

7 For further information see George, Lacey and Birmele (2000).

8 See Resolution n. 1159 (XXII-0/92) of the OAS General Assembly. Available at: http://www.

body prepared the necessary conditions for the General Assembly to instruct the Permanent Council to establish a new Working Group, called "Probity and Public Ethics," which would have as its initial tasks to make recommendations on legal mechanisms to control the problem of corruption with full respect for the sovereignty of member states.[9]

Another important step in the institutionalization of the fight against corruption within the Inter-American sphere occurred from the inclusion of this item on the agenda of the First Summit of the Americas which was held in Miami, Florida, in December 1994. In the very Declaration of Principles of this Summit it was established that "effective democracy requires corruption to be tackled in an integral manner, as it is a factor of social disintegration and distortion of the economic system that undermines the legitimacy of political institutions."[10]

The summit adopted 59 mandates based on 23 issues, including the fight against corruption. It was recognized that "the problem of corruption is nowadays a matter of primary interest not only in this Hemisphere, but in all regions of the world."[11] During the Summit, an Action Plan was formulated in which there is a chapter devoted to the problem of corruption. In this chapter, the heads of state committed themselves, among other things, to develop in the OAS, with due regard to pertinent treaties and relevant national laws, a hemispheric approach to acts of corruption in the public and private sectors, through the negotiation of a new hemispheric agreement or of new arrangements within existing frameworks for international cooperation.[12]

Regarding the last point, the development in the OAS of a "hemispheric approach" on acts of corruption, a draft convention was presented to a group of experts of the aforementioned body. This group, together with the Inter-American Juridical Committee, made remarks that enabled, as a result of successive meetings in Washington, to reach a final version and the subsequent approval, in 1996, of the Inter-American Convention against Corruption. The Convention was a binding instrument by which the signatory countries pledged to promote changes in their national legislation to coordinate in

oas.org/juridico/spanish/ag-res97/Res1159.htm. Accessed September 08, 2015.

9 See Resolution n. 1294 (XXIV-0/94) of the OAS General Assembly. Available at: http://www.oas.org/juridico/spanish/ag-res97/Res1294.htm. Accessed September 08, 2015.

10 Declaration of Principles of the First Summit of the Americas, 1994. Available at: http://www.summit-americas.org/i_summit/i_summit_dec_sp.pdf. Accessed September 01, 2015.

11 Plan of Action of the First Summit of the Americas, 1994. Available at: http://www.summit-americas.org/i_summit/i_summit_poa_sp.pdf. Accessed September 01, 2015.

12 Plan of Action of the First Summit of the Americas, 1994. Available at: http://www.summit-americas.org/i_summit/i_summit_poa_sp.pdf. Accessed September 01, 2015.

a plurilateral manner in the fight against the scourge in question (Manfroni 1997; Huber 2002).

The Inter-American Convention against Corruption entered into force in 1997[13], becoming the first international treaty of its kind. That same year, the OAS approved the creation of the Inter-American Program of Cooperation to Fight Corruption[14] that, according to López (2003), give an organic and functional sense combating mentioned scourge within the organization, and in 2002 came into force the mechanism to follow up on the commitments made by States Parties (MESICIC).

For its part, one year after, in 2003, it was approved the United Nations Convention against Corruption, the first global instrument legally binding in the fight against corruption, introducing a thorough set of standards, measures and regulations that may be applied by all countries to reinforce their legal frameworks and regulations on the matter. According to López (2003), the Convention began to be gestated during the celebration of the United Nations General Assembly in December 2000, at which the need for such a multilateral organization to promote the adoption of an "effective international legal instrument against corruption" was recognized[15]. The negotiation of the treaty was in charge of a deputy commission of the United Nations Office on Drugs and Crime (UNODC) and took place between January 2002 and October 2003, the year in which the approval of the draft agreement took place and the start of signatures at the conference held in Merida, Mexico, 9-11 December 2003. In the case of Latin America countries, only Cuba and Honduras did not sign the Convention during the opening of the signatures.

In short, the trajectory described reveals the growing importance that the fight against corruption has acquired in the international arena. As mentioned in the introduction of this work, the intermestic character of this phenomenon is manifest in the mandate of the Conventions aforementioned to establish intergovernmental cooperation mechanisms to fight corruption in a more effective way[16]. Thus, in the next section, the work will be guided to investigate whether the fight against this issue of common concern occupied

13 The conditions of signatures and ratifications can be found at: https://www.oas.org/juridico/spanish/firmas/b-58.html. Accessed August 30, 2015.

14 See resolution n. 1477 (XXVII-0/97) of the OAS General Assembly. Available at: http://www.oas.org/juridico/spanish/ag-res97/res1477.htm. Accessed September 08, 2015.

15 See resolutions ns. 55/61 and 55/188, of December 4 and 20, 2000 respectively. Available at: https://www.unodc.org/pdf/crime/a_res_55/res5561s.pdf, https://www.unodc.org/pdf/crime/a_res_55/res55188s.pdf. Accessed September 30, 2015.

16 Such cooperation can express itself in different ways, which can range from the exchange of good practices, extradition or asset recovery to mutual legal assistance, among others.

a place on the Mercosur agenda, in the 2003-2015 period and, in that case, what were the most significant results in institutional terms.

3 Fighting Corruption in the Mercosur Agenda

After the analysis of the documentary survey carried out, it is essential to make clear, in addition to the formal question of commitment taken on the Inter-American Convention and the United Nations Convention, the reasons why, in this article, underlies the idea that the fight against corruption "should" have occupied "a place" on the Mercosur agenda. To explain these reasons it will be needed to reassemble the set of ideas on regional integration that inspires this work, as well as the necessary overlaps between the state, development, social policy and corruption.

3.1 State, integration and development: Mercosur

First, it is pertinent to argue that investigating the existence of mechanisms for cooperation against corruption within Mercosur derives from the understanding of regional integration. In this sense, regional integration, unlike understood by those who conceive it as a mere associative process created for opening new markets, is a political project that can contribute to the social and economic development of member countries, in a context of global capitalism.

For that matter, there is a tradition in Latin American literature exalting the political nature of regional integration (Puig 1986; Lanús 1972). First, this nature is linked to the fact that, in a context in which the natural movement of states is to "close themselves" within their boundaries for self-preservation and survival, regional integration, when seen as an instrument that strengthens state capacity, emerges as a counter-movement product of the will and political rationality of the actors involved (Gonçalves 2013). In this sense, the search for convergence between different objectives, interests and expectations of the States involved in the project, and the creation of institutional mechanisms through which the differences and conflicts between them could be channeled, reveals undoubtedly the complexity of integration.

Second, such political nature of integration in Latin America is also related to the "emancipatory" ideal (Dussel 1973; Quijano 2002) and with the possibility to articulate a "joint defense" against the very capitalist system that had put the countries of the continent, fragile and with disarticulated productive structures, on the periphery of world geopolitics (Jaguaribe 1973; Guim-

arães 2002; Ferrer 2006). In other words, the condition of the periphery of capitalism, underdeveloped and dependent on central countries; the coexistence within the same geopolitical continental space with a hegemonic power; and the "*latinoamericanidad*" or the idea of a "community of solidarity fate", explain, according to Paradiso (2008; 2009), the three structural factors that comprise this unifying ideal, which are development (economic dimension), autonomy (political dimension) and equality (cultural dimension).

According to that, regional integration is a complex process which, as warned by Puig (1986), should be driven in all its various possible ways, not only in its economic dimension, calling for an "integral" conception of integration that favors the creation of common values and goals, as well as the strengthening of state capacities oriented to the welfare of the peoples. It is precisely from this perspective that was formulated the assumption that dealing with corruption, a factor that erodes the ideals of development, autonomy and equality of the preceding paragraph, should have a place on the agenda of one of the main contemporary integration processes of the continent: Mercosur.

Generally speaking, one can say that the process of integration within Mercosur is based on the traditional strategic cooperation between Argentina and Brazil; on the historic achievement of both actors of having eliminated the possibility of conflict with the neighboring country. Mercosur began with the return of democracies in the 1980s, and has adapted itself to the neoliberal globalization. After 2003, with the arrival of the governments of Nestor Kirchner (2003-2007) and Lula (2003- 2006, 2007-2010), this bloc was then "reformulated", acquiring a much broader character than merely economic or commercial, as originally written in Asuncion Treaty of 1991 (Granato 2015).

This expansion or resizing of the integration process found its direction in converting itself on a tool in service of the national development projects of member countries, having in the social and productive inclusions, in the deepening of the rapprochement process among societies and in the creation of a common identity, its main dimensions. One of the main objectives of the Mercosur integration process since 2003 has been the construction of a common regional space, which, in addition to expanding the opportunities for jobs generation, investment, energy, infrastructure and trade, would become a real strategy for productive development and social welfare. That is, ultimately, the integration model that was driven by Brazil-Argentina alliance, with significant support from the rest of the member countries, and embodied in the so-called "Buenos Aires Consensus" and "Puerto Iguazu Commitment", of October 2003 and November 2005, respectively.

Thus, this "change of view" on how to conceive and organize the Mer-

cosur and the resulting policies, had a strong impact on the objectives of the bloc. From that time on, the bloc would no longer be confined to the economic and trade chapter, but new dimensions would emerge, encouraging progress in various subjects. With this new way of understanding integration, both in its multidimensional aspect as well as an empowering instrument of state capacities, it would seem natural that the States Parties would have devoted part of their cooperative efforts to addressing the issue of corruption. Also, already at the same Consensus of Buenos Aires, the high representatives of Brazil and Argentina recognized the "strategic role" of the State as well as the importance of "strengthening its institutions, professionalizing public administration, improving its response capacity, increasing its effectiveness and ensuring greater transparency in decision-making processes"[17]. Then, in the next subsection, we will seek to confirm if there was a genuine concern or not with the anti-corruption cooperation within the bloc, in the studied period.

3.2 An Anti-Corruption Policy in Mercosur?

In order to empirically verify if the fight against corruption took place on the Mercosur agenda, accompanied by concrete institutional manifestations, an exhaustive research data was carried, raising all official documents that would allow an analysis of the issue[18]. So, it was corroborated: first, the absence of a convention, treaty or special statement on the matter at the subregional level[19]; second, a survey of joint statements by the presidents of States Parties and associates of the bloc[20] was made in the period 2003-2015; and,

17 See the Consensus of Buenos Aires, of October 16 2003. Available at: http://www.itamaraty.gov.br/sala-de-imprensa/notas-a-imprensa/2003/10/16/consenso-de-buenos-aires/print-nota Accessed February 12, 2014.

18 Thus, it is worth adding that we found a lack of specialized academic work on the subject with similar objectives to the ones proposed in this article.

19 It is worth mentioning that there are other experiences of regional integration that do have an agreement of this type. Among such, one may cite the case of the European Union (EU), which adopted the Convention on the fight against acts of corruption involving officials of the European Communities or the Member States of the EU, of 1997; the Southern African Development Community, which approved the Protocol Against Corruption, of 2001; and the Andean Community, which approved, by Decision no. 668, 2007, the Andean Plan to Fight Corruption.

20 As established in the Protocol of Ouro Preto, the Council of the Common Market (Mercosur higher body, which bears the political leadership of the integration process, composed of the Ministers of Foreign Affairs and Economy) will meet as often as it sees fit, being expected to do so at least once every six months with the participation of the presidents of the States parties. As a result of such meetings (ordinary or extraordinary), joint statements or declarations are issued. It should be clarified, too, that such documents were collected from the search engine/

third, we sought to identify if such communications explicitly cited concerns regarding the matter.

Of the 34 analyzed statements, only 5 refer to the issue of corruption. In the first statement of December 17th, 2004, the presidents stressed, in paragraph 20, "the key role that the fight against corruption and impunity has to consolidate and strengthen our democracies". In the joint statement of December 9th, 2005, the leaders expressed "the strong commitment of their governments to fight corruption, and to promote greater cooperation in the areas of mutual legal assistance, when appropriate, in cases of extradition, recovery of assets and money derived from corruption" (item 6).

In a way, given the temporal proximity of the signature and entry into force of the UN Convention against Corruption with the statements cited above, it would be possible to identify the placement of this issue on the regional agenda as a result of the "momentum" and of the mobilization generated by that global instrument. Moreover, it is important to mention, as well, that such joint demonstrations of 2004 and 2005 replicated the interest that had been observed in each country to achieve a convergence of measures needed to prevent corruption in their respective national contexts, within the state apparatus[21]. Yet, between 2004 and 2005, it is possible to identify, in addition, the creation of two institutional bodies of Mercosur with direct implications for the prevention, investigation and punishment of corrupt practices. One is the Special Meeting of Governmental Organisations of Internal Control (REOGCI), approved by CMC Decision no. 34, 16 December 2004; and the second is the Special Meeting of Public Prosecutors of Mercosur (REMPM), approved by CMC Decision no. 10 of June 19th, 2005.

Regarding the REOGCI, which only became operational in 2006, the importance of articulating joint efforts by the control agencies of each of the Mercosur member countries on the issue is unquestionable. In spite of that, the survey and analysis of documents related to the seven meetings held so far, between 2006 and 2015[22], suggests that only in 2014, after resuming

database "Online Document", available on the website of the Secretariat of Mercosur: http://www.mercosur.int/innovaportal/v/5793/4/innova.front/documentacion-oficial-del-mercosur

21 From the results of a complementary normative survey conducted as part of this work, it is possible to identify a clear commitment from the different countries of Mercosur with the production of rules, at least for federal or national level, adjusted to emerging standards from the OAS and the UN Conventions. It is possible to identify, especially after 1996, the year of approval of the first convention, a tendency to comply with minimum standards for prevention, especially those relating to ethics and integrity, transparency, access to public information and spaces and public participation processes.

22 In this case, the search engine "Documents Online" from the site of the Secretariat of Mercosur was also used, as well as the site of REOCGI: http://www.reogci.org

the meetings, which were not carried out since 2009[23], some progress was shown.

At the 2014 meeting, held in Buenos Aires, the creation of a Centre for Research, Training, Development and Internal Control of Mercosur was agreed, aimed to reach concrete progress in the training and exchange of best practices; and a proposal to consider the "Review Peer" among government agencies of internal control was made, an issue that was postponed at the 2015 meeting because its implementation was not considered convenient within the group, "given the different operating realities of the organs", leaving open the possibility that the bloc's member countries engaged in a review of actions bilaterally. Unfortunately, this reflects the lack of political will to establish mature and genuine interdependence relations in this area, especially considering that the differences in the Inter-American system are much greater than the differences between the Mercosur countries. Nevertheless, the peer monitoring mechanism has been operating without major difficulties[24].

Regarding the REMPM, although it is stated that the fight against corruption is a mission, function and main goal of the Public Ministries of Mercosur, from the survey of the agendas of the 22 uninterrupted meetings held between 2006 and 2015, no proposals of concrete articulation for the improvement of the fight against this problem have emerged[25]. It is worth mentioning that not even the "Agreement on the Mercosur Order for Detention and Delivery Procedures", approved by CMC Decision no. 48 of December 16th, 2010, to facilitate the arrest of fugitives, has been implemented yet.

Returning to the sequence of Presidential declarations proposed at the beginning of this section, already in the joint declaration of June 29th,

23 As an additional data, it should be pointed out that in 2012 took place in Montevideo, the First Meeting of Supreme Audit Bodies on Corruption in Mercosur, organized by the Board of Transparency and Public Ethics (Junta de Transparencia y Ética Pública - JUTEP) of Uruguay.

24 In this context, it is not striking that the creation of a superior body of public control in Mercosur is still a pending task. It is clear that the Economic-Social Consultative Forum, through the Recommendation no. 3 of September 12th, 2012, urged the study of measures to conduct the creation and operation of a supreme audit institution with expertise in the audit and inspection of the accounts and operations of the agencies and funds of Mercosur. However, an advance that does deserve to be mentioned is the approval by CMC Decision no. 15 of July 16th, 2015, of the compendium of "General Standards for Mercosur officials", which provides a code of ethics, standards of conduct and a disciplinary system.

25 Either way, it should be added that the role of public prosecutor in criminal proceedings, combating drug trafficking and money laundering, restitution of stolen motor vehicles, cybercrime, human trafficking, among others, are examples of the issues the REMPM have been working on, and which are somehow linked to the fight against corruption.

2007, the presidents reaffirmed their commitment to the fight against corruption and welcomed the inclusion of the topic in the Political Consultation and Coordination Forum schedule (FCCP)[26]. In addition, the leaders also noted the importance of "cooperation as a means of fighting corruption" and reaffirmed "the commitment to the fight against corruption as an essential requirement to strengthen and protect the democratic system, consolidate institutional legitimacy and as a mechanism to enhance the integral development of our nations" (item 13).

On the other hand, having made a survey of the data produced in the 62 meetings of the FCCP between 2007 and 2015[27], some discouraging data emerged. In December 2007, by the Act no. 7, the proposal of the Uruguayan National Coordination in exercise of the Presidency Pro Tempore of the FCCP to create a "Specialized Meeting of competent authorities in the area of the Fight against Corruption" was approved, in order to foster dialogue among the organs of States Parties, through exchange of experience and technical cooperation on the most effective ways and methods to prevent, detect, investigate and punish acts of corruption, in order to establish itself as an instance for coordinating common positions in the field. This proposal was presented to the Common Market Council, but it was never approved, and since this year until 2015, the initial impetus revealed in Mercosur to coordinate joint efforts in the fight against corruption seems to have decreased over time.

The only exception recorded in this period 2007-2015, is the joint statement of June 29th, 2011, in which the presidents reiterated their willingness to continue to work together in harmonizing their respective national regulations relevant to the fight against corruption and transnational organized crime through the implementation of the recommendations and guidelines within the framework of the OAS and the UN Conventions on the field. Either way, this political rhetoric does not seem to have been accompanied by efforts and initiatives of cooperation within Mercosur, with the exception of the aforementioned Agreement on Mercosur Detention Order.

Finally, in 2015, probably under the strong influence of the Brazilian Pro Tempore Presidency of the bloc[28], in their statement of July 17th, the pres-

26 The FCCP is an auxiliary organ of the Common Market Council, created to contribute to the consolidation and expansion of the political dimension of the bloc, as well as to deepen the dialogue between States Parties and between them and partner countries on issues of foreign policy and common political agenda.

27 For that it was also used the search engine "Documents Online" of the Secretariat of Mercosur site.

28 In line with the regulations of the new Anti-Corruption Act, no. 12.846, of 2013, by Decree no. 8420 of March 18th, 2015 (at national level), and the Special Declaration on Transparency

idents supported the decision of the Ministers of Justice of the States Parties and associates[29]. The decision was to advance the negotiation of a protocol on mutual legal assistance in civil and administrative proceedings against corruption, stressing the goal of aligning it to the most advanced anti-corruption policies in order to face corruption with a broader approach.

According to our investigation, despite the mandate to deepen intergovernmental cooperation in the fight against corruption of the OAS and the UN Conventions, as well as the new integrationist "momentum" inaugurated in the sub-region since 2003, the efforts to place the issue of the fight against corruption on the Mercosur agenda have revealed themselves in a certain way to be timid and insufficient. Even though we cannot argue against the importance of the creation of instances such as the REOGCI and REMPM, or of the establishment of measures on judicial cooperation in this area, the multifaceted and transversal character of corruption, which crosses all aspects of state functions, private sector and citizenship, justifies the need of creating specialized instances that function as coordinating centers of the various efforts that have been under development, frequently in a disconnected manner, relating to the prevention, investigation and sanction of acts of corruption.

Despite the numerous cases of corruption that took place in the Mercosur countries during and after the period investigated, the political will externalized by governments to align their national regulations to the recommendations, standards and commitments made in the OAS and UN Conventions, does not seem to have been replicated in the sphere of regional integration. One possible explanation might be found in the fact that members have privileged treatment of the theme in the Inter-American level in detriment of Mercosur. Another possible explanation is linked to the very political nature addressed in the first subsection. Probably the different visions and goals for the integration process have prevented a firmer action on this issue. However, as could be verified in this subsection, there seems to have been revealed, during the studied period, an inability of Mercosur States to articulate joint efforts aimed at improving their public administrations by preventing and combating corruption.

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and Combat of Corruption issued within the framework of the Third Summit of the Community of Latin American and Caribbean States (CELAC) held in San Jose, Costa Rica, in January 2015 (at the regional level).

29 To verify if the issue of fighting corruption was a concern of this meeting prior to the aforementioned initiative, a survey of the agendas of the 23 meetings held between 2003 and 2014 was conducted. The lack of presence of this issue in such agendas is an indicative, somehow, of the lack of priority accorded by Mercosur to judicial cooperation in anti-corruption matters.

4 Conclusions

In the present study we sought to address the issue of intergovernmental cooperation regarding prevention and combating of corruption by investigating whether such a theme occupied a place on the Mercosur agenda. For that, the study relied on two major structural foundations. First, it is important to highlight the commitments taken by the countries of the Southern bloc with international organizations like the UN and the OAS, which have been developing, over the past few decades, important initiatives in order to coordinate joint efforts in the fight against corruption.

Addressing a wide range of aspects, the specialized conventions within the framework of such institutions have proved to be an important stimulus for the adoption of anti-corruption measures by Latin American countries in general, and in South America ones in particular. So, member countries have taken the commitment to deepen cooperation and coordination as established in these Conventions, being expected to articulate actions at the regional and subregional level. Consequently, it was logical that in Mercosur actions regarding this issue were developed.

The second foundation of this study is linked to the need to study the phenomenon of corruption in the Latin American region from a peripheral perspective; a perspective that inspired the redesign of the objectives of Mercosur during the studied period. This perspective, as studied, conceives regional integration as a tool for strengthening state capacities and of multiple dimensions. Thus, it could be expected that in a period in which the political discourse favored the strategic role of the state, and acknowledged that integration could contribute to the social and economic development of member countries, the anti-corruption cooperation would have had a place on the bloc's agenda.

Through a survey and documentary analysis, it was possible to prove that preventing and combating corruption has been a theme of scarce presence on the Mercosur agenda in the 2003-2015 period, and limited to the discursive sphere, with timid demonstrations in the institutional architecture. Although a willingness of governments to adopt measures regarding the issue in question was seen, the prospect of designing and approving a complementary and convergent fight plan with national efforts that member countries have been carrying out in the framework of the OAS and the UN Conventions has become abstract. Although, of course, there is no standard or rule that establishes that the issue has to be dealt with inside Mercosur, it is expected that, given the implications of the negative consequences of this phenomenon for contemporary societies, the bloc would commit, in addition to complying with international standards on the matter, to think of alternatives for preventing corruption

adjusted to the realities and particularities of the member States.

We can only hope that future studies in this field will provide new elements to discuss the terms of what might be expected of an agreement that reaffirms the prevention and fight against corruption as a permanent policy within subregional level. Also, that it will serve as a vector in axiological and objective terms, for the generation of specific policies in this area; as well as for the creation of a specialized instance in the institutional architecture of the bloc, which contributes to channeling the national efforts of specialized organizations and agencies in each state.

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ABSTRACT

The study of anti-corruption policies is a relatively new phenomenon in Latin America. Having in mind that the Inter-American and the United Nations Conventions on the combating of corruption, of 1996 and 2003, respectively, establish the need to deepen intergovernmental cooperation in a complementary and convergent manner to national efforts in this regard, this paper proposes a study of the place that the fight against corruption has had on the Mercosur agenda in the period of 2003-2015, and of its expressions related to the institutionality of the bloc.

KEYWORDS

Public Policies; Corruption; Regional Integration; Mercosur.

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