TRANSPARENCY INITIATIVES: ANALYSIS OF PUBLIC POLICIES APPLIED BY ARGENTINA’S ANTI-CORRUPTION OFFICE, 2000-2013

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ABSTRACT

With greater democratization and economic globalization throughout the modern world, increasing concern over the prevalence of the corruption has translated into policy action within the international sphere. Thus, international conventions debating anti-corruption and governance strategies have recognized the role of specialized anti-corruption bodies within individual governments. Argentina’s Anti-Corruption Office represents a unique case for a country’s response to international standards and development of specified anti-corruption policies. Nonetheless, the lack of information available as to the agency’s progress in developing anti-corruption policies since its inception necessitates deeper analysis in order to answer the question of what has been done and whether these policies fulfill international standards as well as the Anti-Corruption Office’s own objectives. Using the United Nations Convention Against Corruption as the frame of reference for defining the most salient anti-corruption policies for specialized prevention agencies, this thesis’s investigation reveals that the Anti-Corruption Office in Argentina has only remained partially implemented international requirements, and furthermore has encountered some fundamental difficulties in public policy management, thus impeding the full realization of its own policy objectives.
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Many thanks,
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1. INTRODUCTION

Governance compromised by public officials’ private interests is a growing global concern. Conflicts of interests by public officials often result in corruption, defined as the abuse of public office for private gain. Conflicts of interests that result in corruption may take the form of bribery, embezzlement, theft, fraud, or even extortion. With the expansion of globalization across borders and increased democratization among countries, international businesses and national governments began to understand that the costs of corruption were real, creating not only market distortions, but also distorting development priorities and undermining social and political stability. Global concern has translated into public action, where international agreements have been signed with respective national laws enacted as fulfillments of these international objectives in the fight against corruption. This need and acceptance of international standards to fight corruption has also led to the rapid development of anti-corruption organisms within the public sphere of member countries of these international agreements since the mid-1990s.

With the emergence of the corruption issue within the international sphere in the 1990s, the role of specialized anti-corruption bodies became part of the growing governance and corruption debate. Taking place at a time of greater democratization and economic liberalization throughout the globe, the creation of specialized anti-corruption institutions signifies the push for capacity-building, specifically for good governance and the rule of law, in areas vulnerable to greater systemic corruption during their post-authoritarian democratic transitions. However, the emergence of anti-corruption agencies or commissions has generally taken place in an ad-hoc manner without a comprehensive strategy, sometimes with the primary objective of pacifying
international donors (Devine and Gaika 31). The development of anti-corruption strategy brings up the issue of how a government will orient their policies, or where to specifically focus their anti-corruption efforts.

Argentina represents a unique case for anti-corruption policy as one of the first countries in Latin America to seriously undertake reform efforts and construct a specialized anti-corruption body, thereby serving as an anti-corruption model for the region. The series of corruption scandals erupting during the privatization era of the 1990s, where ex-functionaries deliberately and illegally acquired public funds with relative impunity and disregard for legal and judicial proceedings, prompted its call to reformative action. In 1999, the Public Ethics Law No. 25.188 envisioned the National Commission of Public Ethics as the independent and functionally autonomous body responsible for anti-corruption policies throughout the three branches of government. However, Law 25.233 effectively grants the task of executing policies designed to fight corruption to the newly-created Anti-Corruption Office, which operates within and limits its authority to the Executive Branch, furthermore sharing investigative responsibilities with the Public Prosecutor for Administrative Investigations (Gorrochategui 16). On the surface, the institutional framework of the Public Ethics Law allows the Anti-Corruption Office to elaborate preventative public policies and coordinate with existing state agencies and civil society to realize positive results. Nonetheless, there exists a serious lack of vision for promoting long-term prevention policies, due to the volatile nature of party politics and the discontinuance of specific policies with the constant change of party administration and the appointed public officials.
1.1. Established Problem

There is a lack of synthesized knowledge regarding what Argentine officials of the Anti-Corruption Office have done with anticorruption strategies, and their progress, since the agency’s inception. Furthermore, there is a lack of academic, credible investigative studies that analyze the formulation of Argentine policies targeting corruption in the public administration, and whether significant advancement in policy innovation has been made since the Anti-Corruption Office was established. Thus, it becomes necessary to describe, explain, and interpret what Argentine policymakers have dictated in their anti-corruption policies.

1.2. Objectives

1.2.1. General Objective: to analyze the declared public policies of Argentina’s Anti-Corruption Office.

1.2.2. Specified Objectives:

i) To document and describe the most relevant public policies coordinated by the Anti-Corruption Office

ii) To compare the policies of the ideal anti-corruption model (the frame of reference) and those of Argentina’s Anti-Corruption Office

iii) To evaluate Argentina’s anti-corruption policies, in terms of fulfillment of international standards as well as consistency of application

iv) To form conclusions and offer policy recommendations and/or proposals.
1.3. Propositions

Due to the nature of this exploratory study, it will not be feasible to draft hypotheses until the investigation has been completed and conclusions can be made. Instead, I can offer the following general propositions:

i) There is a tendency for Argentine policies dictated by the Anti-Corruption Office to differentiate with the anti-corruption policies proposed by international agreements and organizations.

ii) Capacity gaps generally arise within the actual Argentine anti-corruption framework when national policies differentiate from the established international model for anti-corruption policies.

1.4. Theoretical Framework

Furthermore, anti-corruption policies should be analyzed by using a frame of reference, as per international standards of anti-corruption policies for specialized anti-corruption agencies. Therefore, the frame of reference will be constructed by creating an international standard model, i.e. the prescribed policies of the United Nations’ Convention Against Corruption, which represents what anti-corruption regimes should be doing. The United Nations Convention Against Corruption (UNCAC) serves as an optimal frame of reference for comparing a country’s anti-corruption policies and strategies, as the Convention establishes worldwide standards that bind countries at all levels of development, covers all pertinent aspects of prevention measures, and determines the legal criteria for the criminalization of corrupt actions (Kocaoglu and Figari 18). Specifically, the UN Convention Against Corruption’s prevention measures highlight the key features for anti-corruption agencies to employ as required policies, as per Articles 5, 8, 9,
10, 12, 13, 32, 33, and 36. For the purposes of delimiting the scope of this thesis investigation, I will focus on the following set of anti-corruption policies, defined as the units of analysis: reporting mechanisms, an income and asset declaration system, investigations, civil society participation mechanisms, legislative projects for freedom of information, lobbyist or interest group regulation, and whistleblower protection laws, and inter-governmental coordination mechanisms via cooperation and technical assistance programs.

1.5. General Methodology

This investigation will be conducted as an exploratory study using qualitative analysis. An exploratory study is required for this investigation, because of the fundamental lack of information and study on the problem postulated. The proposition is oriented to connect the study of policymaker’s anti-corruption practices with the stated policies of Argentina’s Anti-Corruption Office, thereby pointing to the challenges inherent in the administrative aspects of such policies. Although there is a great deal of information available regarding general policy frameworks proposed by international organizations and treaties for anti-corruption initiatives, few reliable and academic studies have synthesized information regarding the actual policies in place for anti-corruption efforts within the Anti-Corruption Office. Therefore, it would be more feasible to focus this investigation on the description, explanation, and interpretation of stated anti-corruption policies in Argentina, focusing on only those policies pertaining to the Anti-Corruption Office (the executive branch). A qualitative approximation can be made by analyzing a set of declared policies, so that conclusions can be made and eventual hypotheses can be structured. Secondary sources will primarily be used due to the lack of availability of reliable
primary sources of information, and these secondary sources will mainly derive from publicly available articles and reports published by the Anti-Corruption Office on its website.

1.5.1. Variables

In order to best analyze the established set of declared policies, the following variables will be applied and have been constructed using the definitions below.

i) **Fulfillment of International Standards**

The Anti-Corruption Office implements a policy, program, or action in each article within the prevention measures requirements of the UN Convention Against Corruption.

Thus, a level of compliance is established as the following:

*High Level of Compliance* occurs when a legislative act or law exists, or an explicit program targeting all aspects of the UN Convention Against Corruption’s policy requirement is developed by the Anti-Corruption Office (assigned with a value of 2).

*Medium Level of Compliance* is delegated when the proposed measures by the Anti-Corruption Office complies with the aspects of the UN Convention Against Corruption’s requirements, and some provisions have been implemented through presidential decrees. However, these measures have not been formalized through a dedicated law, or dedicated programs only partially cover the requirements of the Convention. The value of (1) is assigned.

*Low Level of Compliance* refers to the absence of any implementation of programs or any legal provisions by the Anti-Corruption Office. The policy is then assigned the low level at (0).

ii) **Consistency of Application**

This variable is defined by the dimensions of duration, stability, and strength in which the Anti-Corruption Office applies their public policies.
**Duration** represents the quantity of time that the policy has been maintained and is expressed in years. Thus, high duration is over 5 years, medium duration at 3 to 5 years, and low duration at 1 to 2 years. The following values are attributed to these dimensions: high (2), medium (1), and low (0).

**Stability** represents the continuity or discontinuity over time of a public policy, as well as the constant or modified strategic direction of the anticorruption policy. Thus, continuity over time means the sustainment of the program or action over time (yes). Discontinuity over time denotes that the continuity of the Anti-Corruption Office’s action or program for the policy has not been explicitly declared, but no further information has been published regarding any advancement (NO). Furthermore, original direction sustained is noted by (YES) and modified direction by (NO). Finally, once stability is determined, the following values are assigned accordingly: high stability (2), medium stability (1), and low stability (0).

Nonetheless, the dimensions of duration and stability will be determined by the tables and figures of observed activities for each policy.

**Strength** of the anti-corruption policy is defined by whether the legislative drafts presented by the Anti-Corruption before Legislative Congress has been converted into law, or whether the specified policy or program remains within the jurisdiction of the Anti-Corruption Office. If the legislative proposal is converted into law, or the program or policy remains within the jurisdiction of the Anti-Corruption Office, the policy is assigned a high value (1). If the legislative proposal is not converted into law, or the Anti-Corruption Office no longer wields authority of application or competency of the policy/program, the policy is assigned a low value (0).
Once all of the dimensions have been determined, the following formula is constructed with the purposes of obtaining the final value for the **Consistency in Application** variable:

**Variable Value** = Sum value of all dimensions divided by the number of dimensions

\[ \text{VV} = \frac{\text{Duration} + \text{Stability} + \text{Strength}}{3} \]

Thus, when the value of each variable is determined, the following scale is applied:

- **High**: 2 / 1,66
- **Medium**: 1,33 / 1
- **Low**: 0,66 / 0,33 / 0

### 1.5.2. Statistical Weighting

Applying the criteria and values assigned above, a statistical weight is allotted to each public policy. The weight is the sum of the values of the variables: compliance with international standards and consistency of application. Considering that the two variables are weighted with the same degree of importance, the following formula represents the calculation for weighting each policy:

\[ \text{Weighting} = \frac{\text{Sum of the value of two variables}}{2} \]

For the final weight of each policy, the following scale is taken into account, which is constructed by using only the possible values that can be obtained.

- **Fully-developed**: 2 / 1,50
- **Partially-developed**: 1
- **Nascent**: 0,50 / 0

### 1.6. Structure

As the theoretical model for conceptually grounding the thesis, the first chapter describes the international context of the emergence of anti-corruption standards and the resulting requirements for anti-corruption agencies in adopting corruption prevention policies, as per the United Nations Convention Against Corruption treaty. In the second chapter, the experience of
Argentina’s Anti-Corruption Office in developing the selected set of anti-corruption policies is documented, thus foreshadowing its virtues and shortcomings. Finally, the third chapter provides detailed analysis for assessing the policies of the Anti-Corruption Office with the criteria of the established international model, as well as analyzing the actual progression and development of the Office’s policies over time.
2. Chapter 1: International Standards for Anti-Corruption Agencies

In this chapter, the theoretical model for analyzing anti-corruption policies is constructed by using the preventative measures outlined by the United Nations Convention Against Corruption. First, details regarding the emergence of international standards for combating corruption is discussed, with the aim of demonstrating the prevailing framework for applying international expertise and knowledge for country-level adoption among specialized agencies. Second, with the United Nations Convention Against Corruption defined as the benchmark for specifying international requirements, the Conventions’ preventative measures are identified and described. Finally, preliminary conclusions surface regarding the potential problems and careful considerations to be taken when applying these international requirements to a sovereign country’s specialized anti-corruption task force.

2.1. Scope of Theoretical Framework

The most comprehensive and detailed international agreement regarding universal anti-corruption standards was established by the United Nations in its Convention Against Corruption in late 2000, which established a common set of obligations among participating countries. The Convention included an intense process of negotiation among different proposals among member countries for the content of the agreement, finally leading to the incorporation of new paradigms for anti-corruption strategies, methods and tools. Initially, these paradigms centered on developing preventative aspects of anti-corruption, identifying new conducts of irregularity as corruption crimes, initiating compromises over the recuperation of stolen assets, incorporating specific methods in private sector corruption, and generating a follow-up mechanism among member countries regarding the implementation of the Convention’s provisions.
Further rounds of negotiation eventually led to the incorporation of additional policies. According to Low, the UN Convention Against Corruption enumerates a detailed and complex code for anti-corruption policies, including international cooperation in investigations and enforcement, technical assistance measures, universal access to information, participation of civil society in the decision-making process, conflict of interest policies, transparency mechanisms in public contracting process, presentation and control systems for asset declarations of public officials and control over the appropriate use of public resources, including transparency regulations in the financing of public parties (5). Consequently, several countries have adopted and ratified the Convention’s obligations into their respective national constitutions, and their approach to implementing these provisions has varied from aligning available resources and existing institutions, constructing new and specialized anti-corruption agencies, or incorporating both methods into their institutional frameworks.

The United Nations’ Guide for Anti-Corruption Policies provides general criteria for the policies designed for the fight against corruption, which complements academic studies that demonstrate how these policies and state institutions responsible for implementing them have been organized in specific cases. With these guidelines and requirements in mind for establishing an integrity system, anti-corruption policy implementation has generally varied, from a single-agency approach to a multi-institutional approach. As per the publication *Specialised Anti-corruption Institutions: Review of Models*, experts from the Organization for Economic Co-operation and Development (OECD) have developed individual reports on targeted countries with specified anti-corruption agencies, which stem from this single-agency approach, as per the applications in Hong Kong and Singapore. According to Meagher, “most countries, including
OECD countries, do not empower a special agency to handle both areas, but rely on cooperation and information exchange across agencies” ("Anti-Corruption Agencies: A Review of Experience" 38).

Latin American countries seem to follow that trend, except for Argentina, Chile, and Ecuador, which primarily use a single anti-corruption agency. In general, traditional anti-corruption functions, such as detection, investigation and prosecution of criminal offences as well as preventing conflicts of interest, are usually offered in existing institutions within democratic countries. However, as these anti-corruption policies are scattered across many different institutions, a specialized anti-corruption agency may be required “when structural or operational deficiencies among existing institutional framework do not allow for effective preventive and repressive actions against corruption” (Devine and Gaika 35).

Furthermore, the institutional realities in which anti-corruption commissions are constructed also determines the capabilities and focus attributed to them. Although all anti-corruption institutions have been expressly created to combat corruption, an anti-corruption institution usually does not wield complete judicial powers along with prevention, education, policy formation, and oversight functions. Luis de Sousa notes that in practice, some anti-corruption agencies do not possess investigation and prosecution powers, and have tended to focus on strong preventive and educative capabilities (24). In fact, Sousa notes that most agencies do not have prosecution powers, like Hong Kong’s ICAC, because of the institutional arrangements of their democratic governments, which contrasts sharply with the autocratic arrangement in Hong Kong and Singapore (24). Democratic governments generally do not want to create hugely-
resourced and autonomous enforcement agencies granted with special powers with few limitations.

Another consideration is the nature of international standards. Experts from the OECD that have gathered valuable information regarding international standards and applied models across the globe warn international standards, as per international conventions against corruption, do not offer a single “blueprint” for instruction on how to create and administer a specialized anti-corruption institution (Devine and Gaika 22). For this reason, the specifications of international law that relate to the institutional framework of corruption prevention are less precise than the requirements of international law for anti-corruption penal codes and enforcement regulations. Nonetheless, international conventions define the most salient features for anti-corruption institutions and also offer “benchmarks” as a standard for comparison of a member country’s anti-corruption policies (Devine and Gaika 22).

Therefore, it is useful to examine international conventions as a frame of reference for constructing a model for anti-corruption policies. The United Nations Convention Against Corruption (UNCAC) serves as an optimal frame of reference for comparing a country’s anti-corruption policies and strategies, and the Convention specifically addresses anti-corruption policies applicable to specialized anti-corruption agencies. According to Kocaoglu and Figari from Transparency International, the UN Convention Against Corruption establishes worldwide standards that bind countries at all levels of development; it covers all pertinent aspects of prevention measures; and it determines the legal criteria for the criminalization of corrupt actions (18).
Having defined standardized anti-corruption policies by specific provisions of the UN Convention Against Corruption, I will focus on those measures implemented by specialized anti-corruption agencies that comply with preventative functional requirements: access to information, investigation and reporting, participation of civil society, income and asset declaration systems, whistleblower/witness protections, and inter-governmental coordination mechanisms.

However, careful consideration must be taken when conceptualizing an international standard of anti-corruption policies for a prevention-focused anti-corruption agency. When using an international frame of reference to analyze a country’s anti-corruption policies, one must understand that the development and implementation of anti-corruption policy within a country is not a linear process. The formulation of anti-corruption policy is a cyclical process that requires a joint effort to strengthen anti-corruption capacities, assignment of competencies, and democratic governance (Berthin 18). Although international frameworks provide the initial guidelines to promote transparency and curb corruption, inadvertently they promote anti-corruption actions “only as an end, and not as a means for a broader national governance policy” (Berthin 18). Continuous re-assessment of strategies as well as alliances with civil society is also needed in conjunction with the formulation of anti-corruption policy to promote national governance.

2.2. Prevention Measures Required by the UN Convention Against Corruption

First and foremost, the UNCAC specifically establishes that coordination is the key aspect for any specialized anti-corruption agency with a preventative focus. Titled “Preventive anti-corruption policies and practices”, Article 5 specifically defines the concept of corruption
prevention policies as an overarching idea requiring a significant amount of coordinative effort for promoting the participation of society, principles of rule of law, and proper management of public affairs and public property, transparency, and accountability, whilst also establishing and promoting effective practices for preventing corruption among both private and public sector. Conjointly, it purports the need to periodically evaluate administrative measures and judicial instruments used for anti-corruption aims. Hence, the United Nations Convention Against Corruption determines in Article 6 (titled “Preventive anti-corruption body or bodies”) that specialized agencies delegated with the task of fighting corruption should implement the prevention measures outlined in Article 5, and most importantly, these specialized agencies should retain the necessary independence to effectively exercise their functions and resources, without undue influence (Raigorodsky 87). Coordination among specialized anti-corruption agencies is especially needed when anti-corruption institutions are divided into those authorities focusing on enforcement and those in charge of prevention. However, coordination of anti-corruption policies will vary according to the structure of government and the institutional framework. For example, Mexico and Argentina have federal government systems in which coordination is initially centralized and then dispersed to intermediate governments (states or provinces); therefore, their systems are characterized by eminently national coverage (which includes sub-national governments). Other countries, such as Colombia and Chile, have a unitary system of government, where coordination is fulfilled at the national level, and depending on the degree of deconcentration, a national agency or various agencies direct anti-corruption policies towards sub-national governments (Berthin 24).
The United Nations Convention Against Corruption expands on the preventative measures outlined in Article 5 with the following sections, for the purposes of identifying specified anti-corruption policies: “Codes of Conduct for public officials” (Article 8), “Management of public finances” (Article 9), “Public Reporting” (Article 10), “Private Sector” (Article 12), “Participation of society” (Article 13), “Protection of witnesses, experts and victims” (Article 32), “Protection of reporting persons” (Article 33), and “Specialized authorities” (Article 36). Thus, these preventative policy requirements for anti-corruption agencies should be categorized into the following anti-corruption policies: power of reporting, income and asset declarations systems, power of investigation, participation of civil society measures, freedom of information law, lobbyist regulation law, whistleblower protection law, and cooperation and technical assistance agreements with government as well as private sector entities.

2.2.1. Power of Reporting

In order to maintain the code of ethics for public officials, an effective system for reporting suspected infringements or violations of ethics regulations by a public official needs to be instituted. Coined as “whistleblowing”, reporting suspected breaches of appropriate conduct by a public official is indispensable to constructing an effective policy plan for fighting corruption. Reporting mechanisms, in conjunction with declaration systems, qualify as a fundamental and preliminary step for investigation and prosecution of corruption crimes, and is therefore considered an essential function of any public body or agency designated with either prevention or enforcement responsibilities for anti-corruption. Therefore, the ability to administer effective reporting procedures and codes of conduct plays a determining factor in
establishing the legal basis, independence, and institutional viability of any specialized anti-corruption agency.

International conventions have clearly stated the requirements for state parties “to establish adequate rules and procedures facilitating officials to make such reports, [which are] intended to: encourage an official to report, to know to whom to report, and to be protected from possible retaliation for such reporting by superiors” (Technical Guide to the United Nations Convention Against Corruption 24). Article 8 of the UN Convention Against Corruption requires state parties to “consider, in accordance with the fundamental principles of its domestic law, establishing measures and systems to facilitate the reporting by public officials of acts of corruption to appropriate.” Furthermore, the Convention also stresses the importance of effective communication strategies that educate public officials on appropriate and inappropriate conduct and that provide guidelines on reporting any breaches of the public sector’s code of conduct. Member states should establish specific reporting procedures and instruments via mail boxes, telephone hotlines, or designated agencies, and member states must ensure the safety and confidentiality of any and all reporting (Technical Guide to the United Nations Convention Against Corruption 24). However, the Convention leaves the specifics of how allegations should be made, in what format, and how allegations are investigated for the member countries to decide.

Therefore, although all relevant organisms should institute their respective procedures for filing complaints or reports of illicit or improper behavior, the power to receive, process, and resolve reports of corruption should reside with a specialized agency. As a preventative policy exclusive to the specialized anti-corruption agency, the power of reporting provides the first
foundational layer for establishing an effective detection and monitoring system in which other measures of improving controls must build upon.

2.2.2. Income and Asset Declaration Systems

In order to effectively prevent corruption, one must diminish the incentive for public officials to act dishonestly, in which case one of the conditions must be that control agencies increase the probability that dishonest officials are exposed, which is shown by access to information regarding that official’s patrimonial and financial assets (Becker qtd. in Declaraciones Juradas de Funcionarios Públicos, 23). Income and asset declaration systems have been a key feature in the anti-corruption movement; as such systems help to standardize correct versus improper use of state resources for private gain as well as detect potential conflicts of interest.

Article 8 (part 5) of the UN Convention Against Corruption specifies that every member state “shall endeavor, where appropriate and in accordance with the fundamental principles of its domestic law, to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials.” This recommended guideline for establishing an income and asset declarations system is part of the established “Codes of Conduct for public officials” within the Convention, as these systems are conceptualized as conflicts-of-interest administrative procedures for establishing standards for how officials must conduct themselves and also holding them accountable for their actions. Managing conflicts of interest is understood as managing an
opposition between public and private interests, as each official is required to equally treat all interests that affect public activities, even his or her own private interests.

In addressing conflicts of interest through specific administrative procedures, income and asset disclosure systems should fulfill the following specifications:

- All substantial types of incomes and assets should be declared by officials
- Annual comparisons of an officials’ financial position
- Prevention of concealment of assets through other means, particularly overseas accounts or those held by a non-resident
- Requirement of officials to justify/prove the sources of their income
- Prohibition of officials to declare non-existent assets, which can later be used as justification for otherwise unexplained wealth
- Sufficient staffing with required expertise, technical capacity and legal authority
- Appropriate restrictive penalties for the violations of these requirements
- Availability to all physical and legal persons to access information on asset declarations

(Technical Guide 25-26)

Inconsistencies that emerge from an official’s asset declaration, a deliberate falsification within a declaration, or the failure to submit a declaration to designated authorities would theoretically provide the necessary evidence of a conflict of interest and justification for proceeding with investigation and judicial processes. Thus, the fundamental purpose of an income and asset declaration system is:

(a) To detect and verify significant and unjustified changes in assets of obligated persons and to initiate the corresponding administrative and criminal procedures established by law; and
(b) To detect and prevent conflicts of interests. ("MODEL LAW", Article 1).

With the established purpose of declarations systems, the Convention requests that member states consider measures that would allow declaration authorities to share the information obtained through the disclosure system with other control agencies in order to facilitate the process of identification, investigation, restraint, claim, and recovery of proceeds.

Thus, as this policy targets all officials of the public administration, income and asset declarations best pertains to a specialized anti-corruption agency that also files and processes reports of corruption. Finally, this measure constitutes the second foundational layer within a detection and monitoring system that factors into the overall hierarchy of public sector control agencies.

2.2.3. Power of Investigation

According to anti-corruption literature discussing the functions and capacities of anti-corruption agencies or bodies, the power to investigate cases of corruption ensures a legal framework to effectively prosecute corruption and also promote dissuasive sanctions for all corrupt practices. Investigation is a crucial stage within criminal proceedings that also upholds the enforcement of both international and state anti-corruption legislation. In order to safeguard a proper transition between administrative and criminal proceedings, an anti-corruption commission must actively administer inter-agency cooperation, information exchange, and mutual legal assistance regarding existing cases, especially with law enforcement agencies, financial and auditing authorities, national security officials, and public procurement officers. Finally, researching and maintaining reports and records on law enforcement statistics of
corruption-related crimes is indispensable to the effectiveness of an anti-corruption agency’s preventative functions. (Devine and Gaika 12).

As per the Devine and Gaika’s work *Specialised Anti-Corruption Institutions*, the functions of detection, investigation and prosecution of corruption offences are usually offered in existing institutions, yet specialized anti-corruption agencies should help to bridge the gap when the existing institutional framework falls short of providing effective prevention and control of corruption crimes (35). Articles 6 and 36 of the United Nations Convention Against Corruption allow specialized agencies investigatory powers, in which case they should be granted “the ability to commence an inquiry on its own initiative, and not requiring that any matter for inquiry be referred to it before it may act” as well as “subpoena powers to obtain documentation, information, testimonies or other evidence” (*Technical Guide* 9-10).

Although Article 36 focuses heavily on prosecution powers, it also contains provisions regarding the investigatory process which can lie with a specialized agency or designated law enforcement. With the investigations of serious and complex cases of corruption and financial crime, authorities from a specialized agency need a substantive and procedural legal framework in which they retain the power of “disclosure of documents or other pertinent information; access to financial reporting; restraint of assets and confiscation; access to financial and criminal intelligence, criminal investigation, prosecution and civil asset recovery” (*Technical Guide* 115).

Thus, pursuing all relevant officials of the public administration, the authority to conduct preliminary investigations of corruption cases should be held by specialized anti-corruption agency, which already retains similar functions and wields relevant policy instruments for addressing specific corruption themes. Nonetheless, as this policy action requires substantial
coordination across both governmental ministries and judicial branch authorities, specialized anti-corruption agencies should work closely with prosecution authorities that already possess the necessary jurisdictional functions, bureaucratic weight, and technical expertise, such as the Public Prosecutor. Finally, this measure comprises the final foundational layer within a detection and monitoring system and embodies the most prominent example of shared policy application authority and actions among public sector control agencies.

2.2.4. Participation of Civil Society Measures

When examining the formation of any public policy, one must also examine the role of society throughout the policy cycle. Likewise, any anti-corruption agency should consider the effects of any anti-corruption program or policy on the general public as well as organized civil society groups, thereby taking into account their perspectives or views in the decision-making process for designing, implementing, and evaluating an anti-corruption policy. In Article 13, the United Nations Convention Against Corruption specifically outlines the purpose of fostering participation of those outside of the public sphere in anti-corruption policies as two-fold: 1) “to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption”, and 2) “to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption” (15). With the term “active” being the operative word in this statement of purpose, anti-corruption agencies of member countries should create mechanisms that demonstrate the real participation of members of society within the decision-making process, and the ability to raise public awareness should involve educational programs and campaigns to provide factual information regarding the existence of the corruption
problem and the current policies in place to attack it. Furthermore, the United Nations Convention Against Corruption provides examples of the general types of measures for anti-corruption agencies to incorporate the participation of civil society within its objectives. These include: “(a) Enhancing the transparency of and promoting the contribution of the public to decision-making processes; (b) Ensuring that the public has effective access to information; (c) Undertaking public information activities that contribute to nontolerance of corruption, as well as public education programmes, including school and university curricula; (d) Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption” (15). Thus, anti-corruption institutions within member countries should implement policies that communicate, organize, mobilize, and continually develop informational or educational programs as well as participatory forums in formulating anti-corruption strategy for civil society groups.

However, as this policy area targets all relevant political actors outside of the public sector, such as the private sector or academic institutions, a specialized anti-corruption agency may not be the only public organisms assigned with the specific role of involving the civil society in the policy process for combating corruption. Nonetheless, a specialized anti-corruption agency should incorporate civil society participation mechanisms within its policy agenda and thereby provide leadership and continuous assessment in the development and sustainment of these mechanisms.
2.2.5. Legislative Proposals

i) Freedom of Information Law

One of the most important campaigns in the global anti-corruption movement has centered on the constitutional right of the public to access information regarding what their governments have done. Over 90 countries around the globe have passed some form of freedom of information regulation. Access to Information laws are based in the logic that information regarding public authorities’ activities are an invaluable public resource that promotes greater transparency and accountability of those public officials. Oftentimes in transitional democracies, providing access to information allows citizens to participate in the democratization process, as a previous authoritarian government remained closed to the public, and a newly-established democratic regime allows citizens to check and balance the power and discretion of elected officials. As Transparency International rightly puts it, “The right of citizens to know what governments, international organizations and private corporations are doing, and how public resources are allocated, directly reflects anti-corruption concerns… so any progress towards opening governments and intergovernmental organizations to public scrutiny is likely to advance anti-corruption efforts” (Kocaoglu and Figari 5).

The role of international organizations in the access to information campaigning has been to create a framework for creating access to information laws and what they should contain. The United Nations Convention Against Corruption agreement stipulates in Article 10(a) that states adopt “procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration and, with due regard for the protection of privacy and personal data, on
decisions and legal acts that concern members of the public” (13). Furthermore, follow-up monitoring programs by the United Nations Convention Against Corruption as well as the Inter-American Convention against corruption have strongly recommended that reviewed countries should produce fully-implemented and dedicated laws for access to information in order to further build future transparency initiatives and better governance.

The Convention Treaty also contains provisions regarding Access to Information in Article 19, but it is worth noting that these provisions are not obligatory but rather general recommendations. According to the Technical Guide, member states “need to establish and publish policies on reporting obligations, accessibility to reports, the definition of official documents and rules for denial of disclosure, timetables for the provision of documents, and procedures of appeal” (44). Furthermore, member states are asked to consider whether a specialized agency should deal with procedures for access to information, adjudicating on complaints, and investigating complaints of rejection or impediment to access to information and decision-making (Technical Guide 44). States Parties may wish to consider the role of the body or bodies established under article 6 to review the relationship between access to information, decision-making and the risk of corruption.

Another relevant tenet of the UN Convention Against Corruption that prescribes specific standards of access to information is listed under Article 13, which primarily discusses participation of society in the prevention and fight against corruption. This article stipulates that effective access to information is necessary to realize participation of society, and that access to information must be secured by “public information activities that contribute to nontolerance of corruption” and “respecting, promoting and protecting the freedom to seek, receive, publish and
disseminate information concerning corruption” (15). Although certain requests by the public for information may be restricted, they should only be denied “for respect of the rights or reputations of others; for the protection of national security or public order or of public health or morals” (15-16). Finally, member countries must ensure that “relevant anti-corruption bodies referred to in this Convention are known to the public and shall provide access to such bodies, where appropriate, for the reporting, including anonymously, of any incidents that may be considered to constitute an offence established in accordance with this Convention” (16).

Although the measure in itself serves as a formal regulation for improving safeguards against corruption, a freedom of information law targets both general society outside of the public sector by providing citizens with the necessary information regarding public officials’ activities and allowing them to participate in the political process by holding public officials accountable to their constituents. Furthermore, as the UN Convention Against Corruption and international experts have continuously stressed the importance and indisputability of freedom of information laws for anti-corruption policy, then specialized anti-corruption agencies must incorporate efforts to advance legal statutes for guaranteeing access to information about government officials’ activities. Although administrative functions can be shared with other control agencies, leadership and governance for consecrating and maintaining a freedom of information regulation should remain with this specialized body.

ii) Whistleblower Protection Law

While prevention measures seek to alter the incentive or risk factors associated with corruption, uncovering corruption requires specialized detection mechanisms that can be upheld in a court of law. Since corruption is so difficult to address because of its secret or covert means,
the best method for detecting corrupt activities or actions is by attaining information or testimony of a participant or witness of the offense. Accordingly, anti-corruption agencies should work conjointly with law enforcement and judicial powers to secure the trust, motivation, and compliance of participants who reveal their knowledge of an otherwise undisclosed form of crime or offense.

In order to encourage and continue to secure the reporting of official misconduct, conflicts of interest, and corruption, policymakers should implement regulations to protect whistleblowers, or witnesses to corrupt acts carried out by public officials. Protections are needed as the whistleblower assumes a great deal of risk in exposing abuse of power by a public official, to both their professional as well as personal security. Without protections or support for whistleblowers, the risk of greater corruption also aggrandizes (“G20 Anti-Corruption Action Plan” 4). Furthermore, providing effective legal protection and clear guidance on reporting procedures also aids authorities in monitoring compliance and detecting violations of anti-corruption laws (“G20 Anti-Corruption Action Plan” 4). In addition, it helps to foster an open culture that educates employees on how to properly file a report and provides them with the confidence in the government’s reporting procedures (“G20 Anti-Corruption Action Plan” 4).

The UN Anti-Corruption Convention recognizes that certain measures, such as the granting of immunity from prosecution or witness protection, are necessary for securing witness testimony for both detection and prosecution of corrupt officials. Although witness protection is not a new concept in the field of law enforcement, the modalities that law enforcement use in securing key evidence parallel the procedures that anti-corruption authorities must utilize in the

The Convention clearly addresses witness protection in several articles and provisions of both obligatory and non-mandatory nature for corruption cases, especially when they are linked to organized crime, within Articles 32, 33, 37, and 46. Article 33 establishes that all member states are obligated to establish appropriate protection against “unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance with this Convention” (*United Nations Convention Against Corruption* 26). Article 37 also reiterates the requirement of member states to use appropriate measures to not only encourage the cooperation of potential witnesses or participants of corruption offenses, but also obligates member states to fully protect such persons. The logical justification stems from the law enforcement practices for organized crime cases, in which penetrating a myriad of structures and compartmentalized groups requires the secret cooperation of those from the inside. However, the condition established is that participating witnesses must provide information “useful and relevant to the investigation, prosecution or adjudication of a case, or to the recovery of proceeds of corruption, as appropriate” (*Technical Guide to the United Nations Convention against Corruption*, 119). Article 32 specifies the measures that state authorities must take for the protection of witnesses, including the witnesses, and where appropriate, their relatives and other persons close to them, and Article 46 recommends that authorities conduct videoconferences as a way of providing evidence when a witness cannot appear in person at the time required to testify (*Technical Guide* 166). Implementation of these UN Convention provisions among member states may occur
within a comprehensive, dedicated law for witness protection, as per Australia, Canada, Japan, South Africa, the United Kingdom, and the United States. Alternatively, many countries have adopted whistleblower protections into specific provisions in more than one law, yet oftentimes these provisions cover only specific acts and results in limited protection (“G20 Anti-Corruption Action Plan” 18).

Therefore, the whistleblower protection law targets both members of the general public as well as public officials that choose to report cases of improper and corrupt behavior or activity. Furthermore, a dedicated law protecting witnesses of corruption carries tremendous impact on the viability of other anti-corruption policies, specifically with the power of reporting. Consequently, international agreements have recognized and purported the need for specialized anti-corruption agencies to advance legislative regulations for establishing these protections. Although public prosecutors should hold legal accountability for upholding the law, anti-corruption agencies must dedicate serious efforts to ensure the inclusion of whistleblower protections within anti-corruption policy.

iii) Lobbying Regulation

The United Nations Convention Against Corruption labels lobbyist-type activity as the “trading in influence”, and the treaty defines the parameters of this trading in influence in Article 18 as the “promise, offering or giving to a public official or any other person, directly or indirectly, of an undue advantage in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage for the original instigator of the act or for any other person”(18). As such, the article makes a non-mandatory recommendation that member states
adopt legislation or other measures that define such influence trading as criminal breaches in the code of conduct for public officials.

“Trading in influence” is a broad term in which incorporating such behavior in the criminal code as a breach of ethical conduct presents some difficulties in translating such a provision into domestic law. Lobbying can be perceived as a type of trading in influence, but the practice itself is not illegal in many countries nor considered an inherently improper activity. Thus, domestic law of member countries has been interpreted as the regulation of lobbying activity, as per the United States’ Lobbying Disclosure Act. In a 2006 conference discussing the impacts of the United Nations Convention against Corruption, Lucina Low stated that what is most significant about the trading of influence provision is that it “applies not just to direct dealings with public officials, but also to transactions with any other person”, and therefore international standards of anti-corruption policy should “take care to deal with this issue, which although not a universal standard, seems to be gaining in acceptance” (10).

Enhancing transparency and proper governance requires countries to consider gathering sufficient information on lobbying activities, by identifying in-house and external consulting lobbyists or interest groups, ascertaining their beneficiaries as well as objectives or targeted public offices, and understanding where lobbying pressures and funding originates (Dos Santos 4). Disclosure requirements, as per the United States Lobbying Disclosure Acts, may help to detect possible improper “trading of influences” deemed criminal, or at the very least, a possible conflict of interest requiring further investigation. Furthermore, disclosure on the activities of lobbyist groups affecting the political process should be publically available, so that civil society organizations may access information for scrutinizing interest group activity and thereby place
further pressure for the government to hold its officials accountable for irregular influence-trading.

In summary, as this policy specifically focuses on public officials within the public sector, a lobbyist disclosure law helps to reinforce the established code of ethics whilst also complementing detection and monitoring systems for preventing conflicts of interest. Although the administrative responsibilities and functions of maintaining a lobbyist disclosure system lies outside the scope and resource capacity of specialized anti-corruption agencies, legislative efforts for advancing a dedicated law should be considered and incorporated within the anti-corruption body’s policy agenda.

2.2.6. Inter-Governmental Cooperation and Technical Assistance Programs

International conventions have discussed the importance of promoting transparency and anti-corruption policies in the national public sector. Specialized anticorruption agencies should address the implementation of anti-corruption policies throughout the public administration via specific coordination mechanisms. However, there is a lack of specific language on the manner in which anti-corruption agencies should engage in coordinated efforts for implementing specific policies.

According to the *Technical Guide to the United Nations Convention against Corruption*, inter-agency coordination requirements are interpreted from Article 5 of the convention:

“*When their primary focus is on prevention policy and practices, the body or bodies should ensure that it or they take appropriate measures to coordinate work with other agencies, including how to deal with individual allegations (especially to avoid jeopardizing law enforcement inquiries and possible future prosecutions), develop longer-term strategic perspectives and balance a consensual approach with a robust independence*” (10).
According to Hussmann, Hechler, and Peñailillo, anti-corruption institutions should seek coordination of participating agencies at the implementation stage of anti-corruption policy formation “for the design of programs, the creation of communication strategies and materials, and the development of control and oversight mechanisms” (8). Furthermore, they argue that executive-branch agencies have shown to be the best example of an anti-corruption institution that carries the “capacity and political weight to create the required trust and willingness of other governmental institutions to cooperate” (8). Likewise, Transparency International experts suggest that the most effective measures for securing effective cross-agency cooperation include joint training, communication and information exchange, specifically with information technology, monitoring the implementation of anti-corruption policies, or and technical support for government agencies for implementing anti-corruption programs (Chene 1). Nonetheless, the UN Convention Against Corruption does specify in Article 60 that member states are required to develop technical assistance and specialized training programs for public officials, as highlighted by those Transparency International experts. According to this article, these technical assistance programs should encompass various aspects of anti-corruption efforts, which include: detection, prevention, investigation, and control measures; building state capacities; training of public employees in preparing requests for assistance; evaluation and improvement of management processes; national and international regulations; protection methods in aiding witnesses cooperating with authorities; and surveillance (48-49).

With these specific tools in mind, a specialized anti-cooperation agency should design inter-agency cooperation policies with long-term planning objectives. Although ad-hoc cooperation programs do support anti-corruption strategies, specialized agency officials need to
establish the necessary arrangements that facilitate long-term cooperation, which include regular interagency forums for discussing long-term goals, program implementation, training, and monitoring (Chene 8). Nonetheless, research on the coordination capacities of specialized anti-corruption agencies suggests that effective coordination and cooperation among agencies has been an enormous challenge. A U4 report analyzing six case studies regarding anti-corruption policy formation concluded that the coordination of anti-corruption programs is weak, inconsistent, and rare, due to the lack of resources, political backing, or inadequate and poorly-designed coordination mechanisms (Chene 4). Another U4 Report in 2005 assessed the performance of specialized anti-corruption agencies in five African countries, and its findings suggest that virtually no relationship exists between the strategies and actions of each specialized agency and broader transparency reforms (Chene 4). Thus, the integration of international recommendations within national anti-corruption policy for coordination and cooperation has proven difficult, especially with the varied institutional framework of the developing countries and the lack of a single model for cooperation.

During the Second United Nations Interagency Anti-Corruption Co-ordination Meeting, participants discussed the issues surrounding coordination of anti-corruption policies among various state agencies. One of the key issues that emerged was the limited resources and capacities required to promote cross-institutional approaches for implementing anticorruption programs. With the limited resources and capacities needed for creating cross-institutional implementation methods for anticorruption programs, members of the international forum determined that coordination among various organizations should occur as a bottom-up process, since very few of the states’ own national anti-corruption agencies had the mandate or authority
to force its own views on other organisms (Report on the Second United Nations 7). The issue of coordinating cooperation efforts among public sector organisms follows the logic of multi-level as well as collaborative governance, and thus anti-coordination agencies should establish objectives for strategic coordination, both horizontally and vertically, between state organisms, as well as establishing anti-corruption networks with existing institutions. However, this has historically been a challenge for countries that seek to combat corruption at multiple layers of the government hierarchy.

In addition to promoting cooperation efforts amongst public sector organisms at multiple layers of government, the UN Convention Against Corruption emphasizes the importance of targeting the private sector in order to address potential relationships between corruption within the public sector and corruption stemming within the private sector. According to Pettter Langseth and other contributors, “public-sector and private-sector corruption are often simply two aspects of the same problem”, thus requiring anti-corruption experts to identify all relevant stakeholders and individuals helps to plan strategic partnerships and groups (17). Specifically, Article 12 of UN Convention Against Corruption requires member states to develop specific measures to prevent corruption in the private sector, which can include: promoting cooperation between public sector control agencies and private sector enterprises, development of standards and procedures for maintaining the integrity of private sector entities, preventing the misuse of procedures by private sector organizations, and ensuring auditing controls for corruption prevention and detection (14). For the purposes of this study, private sector cooperation as per Article 12 will comprise part of the general cooperation and technical assistance programs category, as the two required policies are linked.
Thus, the primary focus of cooperation and technical assistance agencies remains on effectively coordinating anti-corruption policies within various government agencies and bodies within the public sector. Nonetheless, as this policy may also be utilized for the purposes of educating, informing, and assisting private sector organizations in anti-corruption strategies, cooperation and technical assistance programs which target the private sector may also represent preventative measures for civil society participation. Moreover, the jurisdiction of such programs should be allocated to anti-corruption agencies, as these organisms retain the required expertise and governance of anti-corruption strategies for formulating and overseeing such programs, and the UN Convention Against Corruption also requires these specialized agencies to effectively coordinate the implementation of key policies throughout the State.

2.3. Preliminary Conclusions

From the established requirements of the United Nations Convention Against Corruption, some preliminary conclusions can be drawn regarding what conditions are necessary for any specialized anti-corruption agency to properly orchestrate these preventative policies. First, this organism must retain the necessary independence from undue influence or political pressure, as autonomy will help to solidify the Office’s authority and perceived legitimacy. Second, the specialized anti-corruption agency should secure the proper allocation of resources to take on ambitious policies, such as the legislative reform projects and cooperation/technical assistance programs, which may require significant time, cost, and bureaucratic maneuverings. Third, all of the Convention’s conditions require established coordination procedures that rally and systematize all of the relevant institutions that participate in the process of anti-corruption policies, both horizontally and vertically across the institutional framework of governance. Finally, every
country needs concrete Congressional legislations in order to secure access to information, protections for whistleblowers, and regulation of public officials’ activity with interest groups. Otherwise, failure to implement comprehensive application of these laws will incur severe limitations to both the specialized agency and general institutional governance.
3. Chapter 2: Description of Policies of Argentina’s Anti-Corruption Office

In accordance to the first stated objective that this thesis aims to realize, this chapter will document and describe the most relevant public policies coordinated by the Anti-Corruption Office. First, the context of the Anti-Corruption Office’s creation is discussed for the purposes of explaining the institutional environment in which it arose. Second, categorized into the same units of analysis that have constructed with the standards of the United Nations Convention Against Corruption in Chapter 2, the policy actions by the Anti-Corruption Office from 2000 until 2013 are carefully documented and described. Finally, this chapter explores some preliminary conclusions which infer the strengths and weaknesses of the Anti-Corruption Office’s policies as well as the general institutional framework in Argentina.

3.1. Context of the Anti-Corruption Office and its Creation

Argentina hosted various meetings for one of the first conventions discussing corruption, the United Nations’ Convention Against Transnational Organized Crime, and exploring the “desirability of an international instrument against corruption” (Report of the Ad Hoc Committee 2). With sole function for the executive branch of government, the Anti-Corruption Office within the Ministry of Justice and Human Rights follows a preventive, policy development, and coordinative model for a single anti-corruption institution. Furthermore, as an active participant in the Inter-American Convention Against Corruption (ICAC), Argentina is the first country to be evaluated by experts from the Organization of American States, which brought about a series of recommendations to improve the quality of regulations and internal systems to prevent and combat corruption (Raigorodsky 18).
The creation of Argentina’s Anti-Corruption Office in 1999 took place in a national context in which social and political movements pushed for national anti-corruption reform, thus resulting in national legislative processes to guarantee greater transparency. Nonetheless, the national legislation that created the Anti-Corruption Office was also created in response to the growing international context of anti-corruption studies and agreements. The fact that the most important international institutions, most notably the International Monetary Fund and the World Bank, were interested in combating corruption placed the anticorruption theme as a central priority in the national political agenda. Argentina implemented the provisions of the Inter-American Convention Against Corruption by passing the Public Ethics Law in 1999 and subsequently introducing amendments as per its ratification of the United Nations’ Convention Against Corruption.

The Public Ethics Law No. 25.188 envisions a comprehensive framework capable of monitoring the declared income and assets of public officials from all three branches of government under one overarching body, or commission. The policy also designed a specific mandate for detecting and prosecuting illegal enrichment and preventing conflicts of interest (Berger and Habershon 9). Initially, the Anti-Corruption Office was created in 1999 according to Article 12 of the Ley de Ministerios Number 25233, subsequently regulated by Decree 102/99, dictated by previous president Fernando de la Rúa. This law established that the Office would elaborate and coordinate anti-corruption programs by assuming the responsibility of overlooking the prevention and investigation of conducts defined by Chapter 6 of the Inter-American Convention Against Corruption, which includes: bribery, influence trading, transnational bribery and illicit enrichment, among others. It also has the power to initiate preliminary investigations.
on national public sector officials without another state authority’s order. In the year 2000, via Resolution No 17/100 of the Ministry of Justice and Human Rights, the Anti-Corruption Office becomes the assuming authority for application of the Law 25188 (*La Oficina AntiCorrupción* 3).

Although the original law called for a comprehensive framework for an anti-corruption regime capable of prevention and monitoring, Argentine lawmakers have only implemented the provisions to the executive branch of government, thereby creating the Anti-Corruption Office as the general body for executing policies designed to fight corruption within the public administration. Therefore, the fundamental purpose of the Anti-Corruption Office is to implement and enforce the provisions of international agreements, such as the Inter-American Convention Against Corruption and the United Nations Convention Against Corruption, thereby constructing its institutional design so that it reflects the basic structure of these international standards and establishes preventive as well as investigatory policies (De Michele 17). The Anti-Corruption Office is comprised of two areas, the Department of Investigations, which deals with allegations of corruption within the public administration and related offices and requests prosecution, and the Department for Transparency Policies, which is charged with creating transparency and anti-corruption policies and administering the financial disclosure system for public officials.

### 3.2. Description of the Anti-Corruption Policies

As the previous chapter defines the prevention specifications from the United Nations Convention Against Corruption as the international frame of reference for anti-corruption policies, the following section describes the specific policies developed by the Anti-Corruption
Office that can be conceptualized as interpretations of these standards. With these Convention requirements operationalized, the Office’s most pertinent activities with the most available information are classified into: the power of reporting, an income and asset declaration system, power of investigations, civil society participation measures, legislative proposals and actions, and cooperation and technical assistance agreements.

3.2.1. Power of Reporting

As per requirement of the UN Convention against Corruption for providing the necessary mechanisms for corruption reporting, the Anti-Corruption Office is the designated authority for handling all formal complaints regarding suspected corrupt activities or behaviors. The Anti-Corruption Office provides information on its website regarding how to effectively file a report regarding suspected corruption or irregularities. With the click of the button “efectuar denuncias”, the website lists a variety of portals for visitors to file a complaint, including a telephone number, email, address for presenting oneself formally, and an online form. All forms of reporting can be made anonymously or officially with identification. When clicking on the “efectuar denuncia” button, a message appears which informs the solicitor what the circumstances of their report must consist of, and it also advises that the Anti-Corruption Office is not the designated authority for investigating cases of misconduct that do not relate to corruption offenses established by the ethics code, and neither can the Office investigate misconduct by any official or organization that does not belong to the executive branch of government at the federal level.

However, information on the designated authorities for various types of crimes to report is listed on the Ministry of Justice’s website. According to the Ministry’s page, the Anti-
Corruption Office can only receive complaints regarding acts of corruption by a public official that meet one of the following criteria: bribery, gift-giving or receiving, misappropriation of public funds, non-compliance of the public official’s duties with the ends of benefiting a third party, or illicit enrichment. Reports of corruption allegations can come from three different sources. First, the report can come from the Office itself, without the necessity of having a previous accusation or denunciation, as facts of corrupt activities may arise from mass media communications or reporting, or from detecting non-compliance or omission of facts of income and asset declaration from a public official. Second, the report may come from other public organisms, such as auditing authorities Sindicatura General de la Nación (SIGEN) and Auditoría General de la Nación (AGN). Third, the Office receives anonymous or private complaints by individuals, via emails, letters, online registered complaints, telephonically, or in person.

3.2.2. Income and Asset Declaration System

Argentina’s income and asset declaration system, which is designed, implemented, and overseen by the Anti-Corruption Office, represents a fully-implemented anti-corruption policy as required by the Inter-American Convention Against Corruption. Argentina’s income and asset disclosure system is based on a specific policy design set forth by the Public Ethics Law No. 25.188, which envisions a comprehensive framework capable of monitoring the declared income and assets of public officials from all three branches of government under one overarching body, or commission. The policy also designed a specific mandate for detecting and prosecuting illegal enrichment and preventing conflicts of interest (Berger and Habershon, 9). Although the current system has been effective for about 17 years, income and asset disclosure has existed in principle since 1953, with the agency Register of Sworn Asset Declarations of Public Administration
Personnel (*Registro de Declaraciones Juradas Patrimoniales del Personal de la Administración Pública*), created by Decree No. 7.843. However, the agency was not explicitly charged with preventing conflicts of interests by officials of higher rank, but rather monitoring and controlling lower-level civil servants by their superiors. Therefore, the scope of the income declaration system did not include the highest ranks of office nor did it call for public access of declared incomes and assets. Later amendments in the 1950s obligated ministers, state secretaries, and regional federal employees to file declarations, and also sanctioned non-compliant staff for late filing, refusal to submit, or falsification of declarations. Despite these developments, no authority existed to investigate allegations of corruption until 1989, when the Office for the Prosecutor for the National Treasury was given power to demand justifications of income or assets and ensure compliance, under penalty for dismissal. Additional reforms lowered the time for submission of declarations from 30 days to 48 hours. Nonetheless, the lack of public access and a system of verification did little to deter corruption (Berger and Habershon, 9).

Finally, in 1996, the Congress of Argentina ratified the Inter-American Convention against Corruption, thereby encouraging further progress for a proper declaration regime that would make officials’ assets visible to the public and required to be submitted to proper authorities. The Argentine government implemented a new asset disclosure system in 1999 with the Public Ethics Law, thus taking a bold and comprehensive approach to securing income and asset declarations of public officials within the executive branch. Regulations and norms for officials of the judicial and legislative branch are covered under the former disclosure system, where officials of the legislative branch report to the National Congress (*Congreso Nacional*),
and officials of the judicial system report to the Supreme Court and Council of the Judiciary (Suprema Corte de Justicia y Consejo de la Magistratura).

The Office examines the declared assets and income of a wide range of public officials of the executive branch. According to Law 25.188, Article 5, the following officials of the executive branch are required to declare their assets: the highest state authorities, the President, Vice-President, the cabinet chief, ministers, secretaries, and sub-secretaries; the superior authorities of the Armed Forces, Federal Police, and National Guard; ambassadors, consuls, and other foreign relations officers; members of the Council of the Judiciary (Consejo de la Magistratura) as well as the Jury for the Prosecution (Jurado de Enjuiciamiento), the Public Prosecutor’s Office (Ministerio Público de Nación); the National Auditing Office (Sindicatura General de la Nación); the rectors, deans, and secretaries of national universities; as well as all personnel with administrative roles in public and private property or controlling or financing state revenues/funds of any nature, among other important officials.

Another type of mechanism that the state bureaucracy implements via established regulations consists of a system of sanctions, which reinforces the exercise of authority and provides the means to ensure its application. Connecting to this idea, the income and asset declaration unit of the Anti-Corruption office is based on a combined model designed to prevent conflicts of interest and detect and prosecute cases of illicit enrichment. The system also allocates most of its resources to detecting illicit enrichment by monitoring irregularities or changes in income and asset declarations over time. These policies will be explained in depth in their respective sections, as they are also considered additional anti-corruption policies used in
combination with income and asset declaration system as well as other existing institutions or agencies.

i) Technical Aspects

In terms of how the Anti-Corruption Office handles the receipt of income and asset filings, the income and asset declaration system includes electronic submission and verification processes. Declarations are submitted electronically and also in hard copies, which are stored locally by human resources offices. According to Berger and Habershon, the user-friendly electronic submission has significantly reduced the number of non-compliance cases of incorrect filing, thus “enabling electronic verification and targeted audits of disclosures based on categories of risk, which established a greater threat of detection for the 36,000 filers” (8). However, the Asset Declaration Unit is only able to verify around 2,500 declarations a year.

The Anti-Corruption Office has a relatively large institutional capacity to handle its income and asset declaration system because of the two functionally-independent units that work under one central oversight body, and it excludes lower-ranking civil servants from its scope. In order to increase the frequency of filings, the Office maintains that declarations “must be submitted within 30 days after taking office, 30 days after leaving office, and on an annual basis prior to December 31”, and declarations are maintained for 10 years after an official leaves office (Berger and Habershon 29). This gives enough useful information to prosecutors, who will notice any substantial and unjustifiable changes in a state official’s wealth during and long after holding office.

The content of public declarations must include property belonging to the public official, of their spouse, and their minor children, as well as property within the country and abroad. The
following information must be included and properly filed on the sworn declaration: properties, 
whether registerable or not; capital invested in securities, stocks, or other equities; bank deposits 
and national as well as foreign financial entities; actual hard cash; mortgage debts and credits, 
common securities and collateral securities; annual income and expenditures relating to the 
public office in which the filer occupies or from independent professional activities; annual 
income derived from equity derivatives or pension systems; and also previous employment (in 
order to help control conflicts of interest) (Geler).

The mandate of the Asset Declaration Unit within the Anti-Corruption Office is to 
oversee declaration submission compliance, validate declarations for indicators of illicit 
enrichment, screen declarations for any possible conflict of interest and educate officials on how 
to avoid conflicts of interest, and provide public access to information regarding officials’ 
declarations (Habershon 14). The Office’s website provides the following resources online 
regarding its income and asset declaration system: annual system performance data reports, a list 
of compliant and noncompliant public officials, and a link for soliciting an access request to the 
public annex of declarations.

3.2.3. Power of Investigations

Decree 102/99 (which is the implementation of Law 24.946 LEY DEL MINISTERIO 
PÚBLICO for the Anti-Corruption Office), which establishes the key functions and authorities 
of the Anti-Corruption Office, allows the Office to conduct investigations against a public 
official, institution, or financial institution with public funding for corrupt conduct as per the 
violations of public ethics. The Department of Investigations within the Anti-Corruption Office 
primarily focuses on the development of these investigations, and the Department’s investigators
are divided into working groups that analyze cases of illicit enrichment, fraud, embezzlement, bribery, and crimes against government assets or property. Although private parties or public officials or employees can file claims that initiate investigations, the Department also has the authority to open a case independently of another control authority (De Michele 18). The Anti-Corruption Office works conjointly with the Prosecutor for Administrative Investigations (Fiscal de Control Administrativo) throughout the investigation process. The Anti-Corruption Office then elevates a final report of each investigation to the Ministry of Justice and Human Rights.

The Department of Investigations develops an investigation in cases where the Prosecutor for Administrative Investigations (Fiscal de Control Administrativo) evaluates the preliminary investigation findings and determines that the information results in an institutional, economic, or social significance; which responds to the dimensions in which a corrupt act affects the public administration. When the Department of Investigations decides to pursue a possible case of corruption from a formal accusation or emerging irregularities/non-submission of an official’s asset declaration, the initiation of preliminary investigation will result in one of the following resolutions or escalations: dismissal, archive, remission to administrative authorities, referral to the judicial process, information pertinent to an existing judicial case with a public prosecutor, or the Anti-Corruption Office as the complainant for charging an official in a court of law (Sosa 26-27).

If the investigative process is initiated from detection of non-compliance, incompatibility, or possible conflict of interest from an official’s asset declaration, Article 19 of the Public Ethics Law authorizes the Anti-Corruption Office to launch the investigation for unjustified enrichment as well as a violation of the asset disclosure and conflict of interest regime (Argentina Cong. Ley
In practice, the Asset Declaration Unit of the Anti-Corruption Office has been responsible for this task, although the unit can only investigate the higher-ranking officials of the executive branch. Authorized persons for initiating an investigation include the superiors of the official in question, the commission, or the Anti-Corruption Office that receives a filed complaint (Berger and Habershon 13).

The Asset Declaration Unit is charged with a formal verification process of each official’s file, which can trigger an investigation if inconsistencies are noted and the Investigations Department decides to make inquiries. Preliminary investigations are initiated by the Asset Declaration Unit, but full investigations are conducted by the Investigations Department, who must determine the nature of the irregularity and find the necessary evidence for prosecuting the official charged with illicit enrichment. However, only the public annex of submitted declarations is subject to review for preliminary purposes, and the Investigations Department must receive a court order in order to access the private annex of a submitted declaration. In order to receive a court order, the Investigations Department must have sufficient evidence to provide that a violation of the Public Ethics Law or an act of corruption has been committed (Berger and Habershon 22). The Anti-Corruption Office can perform cross-checks of properties and specific moveable assets against public registries, although only for registries within the capital zone of Buenos Aires. Nonetheless, Argentina’s banking and tax laws prohibit the possibility of vetting the financial details of an individual declaration form (Berger and Habershon 41). In other words, no collaborative practices exist between tax authorities and the Anti-Corruption Office for the purposes of a conflict-of-interest or corruption investigation.
Finally, the intentional omission of information on the asset declaration form does constitute a crime that may initiate further investigation for securing hard evidence of an existing asset that the official failed to declare, but this approach presents some constraints. One example that the Investigations Department has experienced is the non-declaration of a foreign credit card, which is difficult to prove but pertinent to investigating whether an official is hiding illicit funds in an offshore account. Unfortunately, no convictions have been made for the willful omission of information within a declaration, due to the difficulty in proving that an official is concealing information when the information is not visible (Berger and Habershon 22).

According to Argentine law, the Investigations Department is tasked with assisting the Fiscal de Control Administrativo in commencing investigations over alleged acts of administrative irregularities or crimes committed against the National Public Sector (Hafford and Baragli 23). As such, the Investigations Department “prioritizes cases according to the gravity of the offense, the profile of the offender, and the likelihood of gathering the necessary evidence for a successful prosecution” (Berger and Habershon 22). Once the Investigations Department of the Anti-Corruption Office has completed its investigation and compiled sufficient evidence for prosecution of illegal enrichment, the case is presented before the Court. Specifically, the Anti-Corruption Office may present itself as plaintiff in these judicial cases where officials have violated the patrimony of the State, according to Anti-Corruption Office’s own competencies within the Executive Branch. The ability to not only collect, examine, and verify asset declarations but also conduct investigations for further prosecution by the courts illustrates the preventative capacity of the income and asset declaration policy. If a public official has sources of income other than his salary, then his interests may conflict. Detecting such conflicts of
interests “protects the government from adverse decision-making and the official from being suspected of inappropriate dealings” (De Michele 19).

Following the Office’s inception, by May 2001, the Office had received over 1400 complaints of corruption: almost 500 of these complaints were dismissed as they did not meet the definition of corruption outlined by the penal code (Law 24.759, Law 25.319, Law 25.188), another 254 cases were referred to other state agencies in charge of investigations or control, and 309 of the complaints led directly to judicial prosecution (De Michele 18). Since then, the Anti-Corruption Office has continued to open judicial cases throughout its administration, publishing valuable statistics on overall composition of investigations as well as specific judicial cases that the Office processes or participates as plaintiff.

3.2.4. Civil Society Participation Mechanisms

Both Articles 10 and 13 of the United Nations Convention Against Corruption, which highlight the necessity of implementing instruments for civil society participation in State decisions, have been considered and applied in Argentina. In response to these requirements, the Anti-Corruption Office in Argentina has developed two primary public policy mechanisms for preventing corruption through civil society participation: Audencias Públicas (AP) and Elaboracion Participativa de Normas (EPN). These mechanisms have been formally established by the Reglamento General de Audencias Públicas para el Poder Ejecutivo Nacional y el Reglamento General para la Elaboración Participativa de Normas of December 2003, via Executive Decree 1172/03, which establishes a general framework for the procedures of AP and EPN in the organisms, entities, companies, societies, and departments as well as any other entity under the jurisdiction of the Executive Branch.
The Audencia Pública (AP) mechanism program is an instance in the process of defining a public policy. Essentially, the AP program is the open institutional space created by an authority of the state for those that may be affected by a specific decision to express their opinion on the policy decision being made. This open mechanism aims to include the participation of any citizen interested in the policy being decided, independent of whether or not they will be directly affected by the said policy.

Specifically, the Audencia Pública mechanism is divided into different stages: a public summons, in which all persons or groups potentially affected by a decision made by the State are notified and invited to participate in the summons to express their opinions or recommendations; development of public debate, in which guest speakers present their proposals in front of registered participant audience; generating a final report, which lists and explains all of the positions voiced by the participants and is compiled by the coordinator; and creating a final resolution, so that the public may understand how each of the arguments or positions were considered for a final decision (“Herramientas” 13). According to Dr. Agustin Gordillo, a public audience can produce multiple practical effects, such as preventing illegitimate acts, forcing decision-makers influenced by private interests to justify their actions with arguments and evidence before a decision is made, preventing possible errors in public administrative decisions, and promoting the maximum effectiveness of State decisions via public consensus (Gomez 67).

The Elaboración Participativa de Normas mechanism is defined as the procedural process of participative development of anti-corruption standards and an institutional tool that promotes citizen participation in the design of legislative projects. The procedural process is similar to that of Audencias Públicas and is utilized when proposing the creation or modification
of a law. A draft of the law is introduced for analysis and consideration by specialists, interested sectors, and the average citizen (Gomez 69). The declared objectives of the EPN mechanism are to produce legislative and public policy projects supported by social consensus and the perceived demands of society; incite citizens’ participation and generate a space where all social actors interested in these policies can influence the defining of public decisions; provide transparency to public decision-making processes; improve the technical quality of such decisions; inform citizens and promote public debate, make all information available to decision makers, regarding all of the positions and opinions held by those who are affected by the policy.

The procedural process begins with the drawing up of an “anteproyecto” or a draft of the new legislative proposal (whether the creation of a law or modification to a previously existing law), which is then announced to the media as well as online. A public summons is held in order to consult citizens regarding the viability of the proposed legislative project, and it is conducted either via receiving notes or letters from interested parties/citizens, or workshops/personal interviews. A registry of the opinions and stances of all participants is documented, compiled, and analyzed by a technical team, so that a final version of the legislative project is created and presented by the Anti-Corruption Office to Congress.

Although concrete data on the results of the EPN mechanism’s effectiveness is nearly impossible to obtain, the Anti-Corruption Office supports the EPN mechanism by providing opinion poll data regarding its validity and relevancy to anti-corruption initiatives. According to a survey conducted by the Anti-Corruption Office among workshop participants of the EPN mechanism for Gestión de Intereses and Acceso a la información pública, 71 percent responded that they found the EPN mechanism to be “very useful” for increasing the level of transparency.
in public administration. The same survey conducted by the Anti-Corruption Office found that 99 percent of participants believed that the EPN mechanism should be used for other legislative proposals in promoting greater transparency initiatives (Baragli, *Elaboración Participada de Normas* 44).

Unfortunately, the EPN mechanism has not been extensively utilized since the two major legislative projects *Ley de Publicidad de la Gestion de Intereses* and *Ley de Acceso a la Información Pública*. Specific information regarding EPN mechanisms are not detailed or reported on the Anti-Corruption Office’s website; only the final versions of normative projects presented before Congress are published. Therefore, it is not entirely clear how the EPN and AP procedures have occurred and are organized, without tangible information as to how civil society formally engages in the participatory process for elaborating normative projects. Furthermore, there is no documentation publicly available as to any other alternative participatory forum for discussing the elaboration of other legislative proposals that the Anti-Corruption Office has initiated. Nonetheless, the EPN and AP mechanisms are still cited as the most important tools for civil society participation in transparency initiatives that seek preventative solutions for corruption.

Another technical issue that arises regarding the EPN and AP mechanisms cited by the Anti-Corruption Office is that the Anti-Corruption Office is no longer the designated authority for implementing these participatory mechanisms. Although the Anti-Corruption Office had created the EPN and AP mechanisms with the intended objectives for corruption prevention, the authority that now presides over the EPN and AP mechanisms has been transferred to the *Subsecretaría para la Reforma Institucional y Fortalecimiento de la Democracia*, which is
another control agency under the administration of the *Jefatura de Gabinete de Ministros* (Ministry Cabinet of the Executive Branch).

The change in the administrative authority away from the Anti-Corruption Office demonstrates a clear coordination problem in organizing an effective participatory mechanism for future projects. If the Anti-Corruption Office no longer holds applicative authority over a participatory mechanism that they created, then they must solicit the cooperation as well as authorization from the *Subsecretaría* for any future normative projects utilizing the EPN or AP participatory mechanisms. This can further complicate anti-corruption projects by requiring not only authorized access to EPN resources, but also the active direction and coordination of the *Subsecretaría* in hosting civil society participation forums and events. According to its own surveys, the EPN mechanism utilized in the two most important legislative projects in the Office’s first years of inception realized a great deal of success, based on the perception of participants regarding its usefulness for transparency initiatives. As these two mechanisms have rarely been used for future legislative proposals since the transfer of authority away from the Anti-Corruption Office, there is no evidence to suggest that such a change in authority would foster greater participation of civil society in the legislative process and decision-making for corruption prevention policies.

In 2005, the Anti-Corruption Office began to develop Project *Fortalecimiento Institucional de la Oficina Anticorrupción* with the support of the United Nations Development Program. With the established objective of fortifying the institutional strength of the Anti-Corruption Office, the *Fortalecimiento Institucional* Project comprises of a series of initiatives that primarily center on training public officials, cooperation and technical assistance programs
with subnational governments, and an “Education in Values” program. The “Education in Values” program generated courses, workshops, seminars, and debates for senior students and teachers of secondary education institutions across the country, with the objective of promoting social awareness about the importance of the rule of law (Informe Anual 2006 42). By focusing on academic institutions in this “Education in Values” program, the Anti-Corruption Office hoped to find a new avenue for incorporating academic members of Argentine civil society into the discourse of corruption prevention and transparency initiatives. However, this program does not share the same objectives, methods, or focus of the EPN and AP mechanisms for promoting reformative actions or legislative change.

3.2.5. Legislative Proposals and Actions

i) Freedom of Information Law

In terms of the freedom of information model, the Anti-Corruption Office has reiterated the objectives and purposes proposed by international organizations for the fundamental right of citizens to access information about the activities of the State:

“El acceso a la información pública es un derecho humano fundamental y resulta constitutivo de un Estado democrático. Este derecho es un eficaz instrumento para prevenir actos de corrupción, en tanto brindar transparencia y publicidad a los actos del gobierno” (Gomez 72).

In accordance to international standards for freedom of information laws, the Anti-Corruption Office has defined the “information” that the State is obligated to provide its citizens according to the following parameters:
All public information that the State produces, recompiles, collects, conserves, and obtains for any government department, that operates in its power or under its control,

The information regarding private entities, whose production has financed partially or fully public funds/resources,

Whatever information serves as the foundation of an administrative decision (Gomez 73)

While stating its objectives for public access to information, the Anti-Corruption Office asserts that access to information is a necessary tool in order for transparency controls to work (Baragli, *Elaboración Participativa de Normas* 31). In fact, the Anti-Corruption Office argues Argentina to be a “vanguard” to the tendency for Latin American countries to adopt a freedom of information legislation, as per the work done conjointly by the Anti-Corruption Office and civil society groups (Baragli, *Elaboración Participativa de Normas* 32).

In Argentina, the push for establishing a law guaranteeing public access to information regarding public sector activities began with the Anti-Corruption Office’s initiatives which began in 2000 and included both social and political debates. The Anti-Corruption Office drafted an anteproyecto, or a preliminary legislative proposal, for a Ley de Acceso a la Información Pública, based on already-existing legislative projects within the senate and chamber of deputies as well as legal analysis and sources of comparative law. The U.S. Freedom of Information Act of 1966 was used as a reference model from comparative law analysis in order to establish specific parameters. The general consensus among decision-makers was the need to imitate the US system of publishing information for the public in various online indices. Specifically, the need to develop integrated database systems was recognized as an essential tool for organizing
liable information requested by the public (“La ley de acceso a la información, un poco más cerca”).

The process following the drafting of this preliminary legislative proposal actually included the implementation of the *Elaboración Participativa de Normas* mechanism, developed by the Anti-Corruption Office and promoting greater participation of civil society. Institutional advertisements and notifications regarding the new *anteproyecto* were published on the websites of the Anti-Corruption Office and the Ministry of Justice, and also spread to the general media outlets. Furthermore, the Anti-Corruption Office, along with important civil society groups and national institutions, conducted separate workshops for the following groups from June through July of 2001: companies, journalists, media companies, academics and non-governmental representatives, and public officials that administrate critical information of the State (Baragli, *Elaboración Participativa de Normas* 33).

The workshops covered a variety of topics relating to the debate of how a prospective *Ley de Acceso a la Información Pública* should be devised. General issues were covered, such as the necessity of a freedom of information law in Argentina, as well as strengths and weaknesses of the state for the eventual implementation of a freedom of information law. Moreover, technical aspects of implementation were debated: procedures for administering information, user fees and administration of a user fee system, and classification of information made available. Participants in these workshops also considered potential inter-governmental coordination as well as allocation of authority issues: which officials were responsible for providing information; deciding who can solicit and receive information about the State and who must provide such information; exceptions for information requests, such as those that the State can deny;
superposition and/or incompatibilities between public organisms regarding systems of user fees and the administration of information (Baragli, *Elaboración Participativa de Normas* 34).

In addition to workshops, the Anti-Corruption Office also conducted personal interviews from distinct social actors in order to receive and consider specific recommendations regarding technical aspects of the law. Anti-Corruption Office officials site particularly the UN Special Rapporteur to UN on Freedom of Opinion and Expression in 2001, Dr. Abid Hussain, who stated that the procedure can be more important than the outcome in order to improve the quality of democracy (Baragli, *Elaboración Participativa de Normas* 36). The technical advice and knowledge was also solicited from the president of the Argentine Central Bank of that same year. Finally, in December 2001, once all of the information gathered from the *Elaboración Participativa de Normas* mechanism program was analyzed, a final version of the legislative proposal was compiled by the Anti-Corruption Office and sent to the Ministry of Justice for consideration and elevation to the Office of the President. In March of 2002, the legislative project was approved by the Executive Branch and sent to the Legislative Branch for its approval.

To this day, a dedicated law has not been fully implemented as the *Ley de Acceso a la Información Pública* project has yet to be approved by the Senate. It remains as having only received preliminary approval by the Chamber of Deputies (the lower house), which occurred in May of 2003. The initiative established that every citizen has the right to solicit, access, and receive information from whichever public entity, Legislative power, from the *Auditoría de la Nación*, from the *Defensoría del Pueblo*, Judicial branch, and the Public Administration. It also established a timeframe of 15 days for requested information to be received from a public
official. Furthermore, the bill would have allowed citizens to access data regarding organization officials and classified information of over 10 years.

The failure to adopt a concrete freedom of information law has therefore led to provisional regulations that address certain aspects of the right to access public information. In May of 2003, the Subsecretaría para la Reforma Institucional y Fortalecimiento de la Democracia (Agency for Institutional Reform and Democracy Strengthening), under the Nestor Kirchner administration, decided to take specific initiatives created within the Anticorruption Office and supported by civil society, and enact a Presidential Decree 1172/2003 on December 3, 2003. This decree establishes general regulations for public hearings for the Executive Branch, Interest Group or “Lobbying” Management, the Participative Elaboration of Norms, the Access to Public Information for the Executive Branch, Open Meetings of Regulating Entities for Public Services, Registration Forms, and free electronic access to the government’s daily Official Bulletin (Baron 2). The specific section of this decree that has been applied for access to information is titled as Reglamento General del Acceso a la Información Pública para el Poder Ejecutivo Nacional.

In August of 2005, the Anti-Corruption Office sent to the Subsecretaría para la Reforma Institucional y Fortalecimiento de la Democracia a legislative proposal for a regulation that establishes a complaints procedure for failures to comply with the Reglamento General del Acceso a la Información Pública para el Poder Ejecutivo Nacional. As the proposal was debated by a panel of consultants and experts, general consensus adopted the legislative proposal as Resolution Number 1/08 and 3/08 in April of 2008 (Gomez 76).
However, the implementation of this decree presents specific structural issues within Argentina’s existing political institutions. Unfortunately, the other branches of government have not shown interest in implementing policies designed for public access to information. The executive decree indeed stipulates regulations for freedom of information, but this only applies to the Executive Branch and remains ineffective for a comprehensive law that applies to national legislature as well as the judicial branch. In addition, the need to create a culture of transparency is a deeper issue that requires serious effort and dedication, in which a regulation in itself cannot create (Baron 5). According to Baron, the most significant challenge for implementation is to create an administration that works according to changing rules, where new or outside personnel must coexist with previous “geological layers” of the public administration (4). This may create a confrontation within the institutional culture of colliding interests, practices, generations, partisanship and budgets, where “new openness norm may well end up merely as one more in a long string” (Baron 4).

ii) Whistleblower Protection Law

In Argentina, no dedicated law for whistleblower protections is effectively in place, although certain provisions have been established for specific situations. In cases of corruption, witnesses may report to the Anti-Corruption Office, which allows whistleblower anonymity and confidentiality upon request, according to Law No. 2.233 of 1999. However, specific legal protections, whether for job or physical security, cannot be granted by the Anti-Corruption Office, and no specific protection of witnesses or whistleblowers for crimes of corruption is legally guaranteed.
The Ministry of Justice does command the National Program for Protection of Witnesses and Persons, according to Law 25764, but witness protection is only legally obligated for criminal cases linked to drug trafficking, terrorism, kidnapping for ransom, organized crime, or institutional violence. Furthermore, a public prosecutor or trial judge must decide whether a witness will be granted certain protections if the case comes to trial, and the National Program’s director must testify that an immediate threat to the physical integrity of the beneficiary exists and that judicial investigation requires the testimony of the beneficiary in question (Nino 8). Therefore, severe limitations for witness protections complicate the judicial process for any judicial case, and protections are effective at best in exceptional circumstances for a person who has reported or witnessed acts of corruption. In comparison with international standards for witness protection, according to the UNCAC, Argentina’s implementation of the UNCAC provisions remains incomplete.

In 2003, the Anti-Corruption Office created a legislative proposal in light of the severe witness protection limitations, titled Proyecto de ley sobre protección de denunciantes, informantes y testigos de actos de corrupción. The declared purpose of this legislative project is to provide protection against acts, resolutions, or formal or informal practices arbitrary or legal, directed towards those of good faith that denounce, inform, or provide declaration before any competent authority regarding with one or more punitive acts of corruption. Additionally, the project proposes that the National Prosecutor’s Office for Administrative Investigations (Fiscalía de Investigaciones Administrativas) would be the applicative authority for administering witness protection, according to the prescribed conditions. This provision coheres with the Anti-Corruption Office’s current operational functions as the Office works closely with the National...
Prosecutor’s Office for Administrative Investigations for the purposes of pursuing cases of corruption. Protections are listed for different areas of the witness’s potential field of work, whether within the private sector, national public administration, or any economic transactions with the national state. Furthermore, the proposal specifies that a potential witness or whistleblower can request for formal protection before an investigation process begins regarding the corruption case, at the beginning and the conclusion of the investigation process, and at the beginning of any criminal trial.

Despite its original initiative for legislative reform, the Anti-Corruption Office did not submit the proposal to Congress for its review and debate. However, in 2006, the Anti-Corruption Office did present an action plan to Congress regarding an implementation of the recommendations listed by the Inter-American Convention against Corruption, which included legal provisions for whistleblower protections, which has also not been materialized into law (Martinez 21).

iii) Lobbyist Regulation

In maintaining participation of civil society objectives as well as regulation of lobbyist activity for greater transparency, the Anti-Corruption Office has elaborated specific legislation projects and workshops dedicated to regulating lobbyist activities that influence the political process, which are all part of the legislative project titled Proyecto Ley de la Regulación de la Actividad de Gestión de Intereses (Regulation of Interest Management Activity), also known as Ley de Lobby. Lobbying regulation became a central interest of the national political agenda during the outbreak of a corruption scandal in 2001, which involved members of the Senate during the legislative debate of a labor reform. Workshops were hosted by the Anti-Corruption
Office in early 2001 to sponsor this legal project through a roundtable of experts, industry analysts, and all interested persons, through the *Elaboracion de Participación de Normas* mechanism for civil society participation. The Regulation of Interest Management Activity stipulates that officials must keep a registry of all public audiences held with persons representing specific interests to the official. According to the proposal, the registry information must be publically available, updated daily, and distributed via a specific internet webpage accessible to the public. The project includes nine articles as well as a model form for officials and legislators to complete, which indicates date, time, place, and the declared interest, objective, and purpose of the solicitant audience (Gutman).

Previously, the only mention within Argentine law of regulating lobbyist activity is articulated by the Penal Code as the “traffic of influences”. However, Argentine Congress has failed to pass the proposal presented by the Anti-Corruption Office as well as the Fiscal and Justice Department since 2002. Nonetheless, President Nestor Kirchner signed Executive Decree 1172/2003, which established general provisions for the publication of interest group activity within the national executive branch, in conjunction with *audencias publicas, elaboracion participativa de normas*, and *acceso a la informacion publica*. As this decree establishes the right of citizens to participate in the decision-making process, it also made specific provisions for public information disclosure, including the activity of interest groups (Dos Santos 7). Interestingly, the decree’s lobbying definition narrows the scope of the regulation on lobbyist activities, as the contact must have been made personally, as in a formal hearing; also known as a *modalidad de audiencia*, an essential component of the lobbying concept defined by Decree 1172/03 (Dos Santos 8).
3.2.6. Cooperation and Technical Assistance Programs

As per Article 12 of the Public Ethics Law (25.188), the Department of Transparency Policies is responsible for not only conducting studies regarding administrative corruption and its causes, but also for planning policies and programs for fighting and preventing corruption. The Department of Transparency Policies must also make recommendations and provide the necessary resources and training to other State organisms for the implementation of preventative policies and programs. The Argentine Anti-Corruption Office has clearly-stated on its website that one of its fundamental objectives is to provide recommendations and technical assistance to other state organisms for implementing anti-corruption policies and corruption prevention programs.

According to the Office’s website, there has been a total of 11 cooperation and technical assistance agreements, or programs, since 2000 between the Anti-Corruption Office and public administration organisms at the federal, provincial, and municipal levels. In comparison to the total number of state organisms, which amounts to over 200, the amount of cooperation agreements represents a small percentage of the country’s public organisms at 2.5 percent. For example, a variety of important federal agencies within the national public administration have not yet entered into cooperation agreements or technical assistance programs with the Anti-Corruption Office, including but not limited to: the Ministry of Education, Ministry of Health and Environment, Ministry of Foreign Affairs, International Trade and Worship, Ministry of the Interior, Ministry of Labor Employment and Social Security, Ministry of Social Development, and Ministry of Economy and Production. The content of these cooperation and technical assistance agreements generally include the exchange of key information, training of public
officials and employees regarding the country’s code of public ethics, and the implementation of preventative policies against corruption, such as income and asset declaration systems and detection for conflicts of interests, as per the Cooperation and Technical Assistance Agreement with the National Revenue Agency of the Buenos Aires Province (la Agencia de Recaudación de la Provincia de Buenos Aires) in August of 2011 (Informe Anual de Gestion 2011 67).

Although the Anti-Corruption Office has listed and published all of the 11 cooperation and technical assistance agreements with specific public organisms, no information regarding the implementation of these agreements through concrete programs is provided. Furthermore, the Office has not presented an overall strategy for pursuing anti-corruption or transparency programs in different organisms or agencies in the public or private sector. Without pertinent information on how the Anti-Corruption Office will pursue coordination mechanisms for implementing anti-corruption policies throughout the public sector (at least at the national administration level), the selection of state agencies or organisms for cooperation agreements or technical assistance programs appear to be conducted on an ad-hoc basis, and a long-term plan for pursuing interagency cooperation or projected strategy for penetrating the myriad of federal government agencies seems to be lacking.

However, the Anti-Corruption Office has developed an overall strategy for institutional strengthening and policy integration at provincial and municipal levels. As mentioned before in the description of civil society participation mechanisms, the Fortalecimiento Institucional de la Oficina Anticorrupción Project drafted in 2005 includes several components; one that develops public ethics trainings of public officials, and another that dictates the use of cooperation and technical assistance programs with subnational governments. As per this project funded by the
United Nations Development Program, the Anti-Corruption Office also presented a parallel strategy for integrating anti-corruption policies with sub-national governments, known as *Plan Provincias*. The Anti-Corruption Office developed this plan in 2005 with the expressed aim to provide anti-corruption policy tools for public officials, civil society, and academic institutions within provincial as well as municipal governments in order to strengthen the state’s governance capacities. Although cooperation agreements had been signed with a few provincial governments before the *Plan Provincias* was developed in 2005, the Anti-Corruption Office promotes this plan as a more concrete and widespread strategy for capturing a larger target population of public officials via educational and technical assistance programs, in the hopes that the Office would reach formal cooperation agreements with more provinces and municipalities. *Plan Provincias* thus includes a series of initiatives to improve public management from the experiences and reviews of each province, while also attempting to articulate local perspectives in anti-corruption policies implemented successfully at the federal level (*Informe anual de gestión 2005* 43). However, the content of each cooperation and technical assistance program with subnational governments differ, as each province undergoes a diagnostic phase of addressing which areas to focus anti-corruption efforts, and which anti-corruption policies or mechanisms will be utilized.

As the *Fortalecimiento Institucional* Project also included efforts for cooperation and technical assistance programs with the private sector, the Anti-Corruption Office also began initiating cooperation and technical assistance agreements with members of the private sector in 2010, which also sought to fulfill international anti-corruption convention requirements. The Anti-Corruption Office uses the existing model of mutual information exchange and training to expand their organizational reach and impact. As this is a relatively new mechanism, only one
cooperation agreement has been signed, specifically with the Argentine Confederation of Medium Enterprises (CAME) in 2013. Nonetheless, Anti-Corruption Office officials have expressed that as they are beginning to develop inter-institutional links and relationships with private sector organizations willing to engage, additional cooperation agreements are expected.

3.3. Preliminary Conclusions

As the assuming authority for application of the Public Ethics Law, the Anti-Corruption Office in Argentina serves as the general body for executing policies designed to fight corruption within the national public administration. Furthermore, its institutional design reflects the preventative policy standards of international conventions, as per the defined set of requirements from the United Nations Convention Against Corruption. Thus, a series of preliminary conclusions emerges from this chapter’s description of the Anti-Corruption Office’s actions within the categorized policies, which point to potential areas of concern. First, reporting mechanisms demonstrate the Office’s stress of importance for creating viable avenues for submitting allegations and complaints, and further analysis should investigate the consistency of its reporting practices. Second, the Office’s income and asset declaration system represents a streamlined process for systematizing declared income and assets of public officials within the Executive Branch, as income disclosure practices had previously existed within the public sector before the Anti-Corruption Office’s emergence, and international models (as per the UN Convention Against Corruption) provided further technical expertise for administering a regime for detecting incompatibilities or irregularities. Third, the Office’s power of investigations points to the difficulty in securing sufficient evidence for cases of illegal enrichment or other related corruption offenses, as the private annex of declarations remains relatively out-of-reach for the
Anti-Corruption Office, and Anti-Corruption Office members cannot officially cross-check financial details with other auditing or tax institutions. Fourth, the AP and EPN mechanisms have demonstrated an effective procedural process for engaging civil society in the formulation of anti-corruption policies, but the Anti-Corruption Office has lost its applicative authority for these programs, thus having to re-orient their civil society activities towards the “Education in Values” program for social awareness while discontinuing civil society engagement on the decision-making process of public policies. Additionally, the Anti-Corruption Office has dedicated a significant amount of effort for the design of key legislative proposals for Freedom of Information, Lobbyist Regulation, and Whistleblower Protection laws, which involved civic discourse over the content of proposals, as well as the procedural efforts for drafting and finalizing the projects. Nonetheless, the failure to secure Congressional approval has led to provisional regulations via presidential decrees rather than long-term resolutions. Limitations from the lack of dedicated laws suggests some fundamental issues within the Argentine political-institutional context, in which political interests may not be in line with the Anti-Corruption Office’s objectives.

Finally, the targeting of cooperation and technical assistance programs within the public sector has occurred both horizontally and vertically, but the selection of state agencies or organisms for cooperation agreements at the horizontal level appear to be conducted on an ad-hoc basis, and a long-term plan for pursuing interagency cooperation or projected strategy for penetrating the myriad of federal government agencies seems to be lacking. Plan Provincias has shown a preliminary strategy for developing initiatives to improve public management and transparency at the vertical level, while cooperation programs with private sector organizations
have only recently been declaratively initiated. Thus, cooperation and technical assistance programs serve as a policy for promoting the Office’s technical knowledge amongst a myriad of public sector organisms, yet the relatively small number of agreements highlights some issues with the Office’s political and institutional weight or clout. Furthermore, specific policy action programs for fulfilling these programs’ objectives are not provided, therefore suggesting policy implementation remains as a problematic element.

In this chapter, an analysis has been undertaken to evaluate the examined public policies of Argentina’s Anti-Corruption Office. Background literature on the issue of public policy mismanagement in Latin America explains why the implementation of international standards and the national development of anti-corruption policies themselves present problematic issues in providing a positive evaluation. Then, fulfillment of international requirements, as per the United Nations Convention Against Corruption, and consistency of application are provided as two explanatory variables for assessing the value of the Anti-Corruption Office’s policies as well as the quality of those policies throughout the policy process of administration. Thus, a final weighing of each policy by the Anti-Corruption Office summarizes the observations and findings for both variables and determines each policy’s level of development. Finally, preliminary conclusions discuss the political and institutional implications of these findings.

3.1. Emergence of Public Policy Mismanagement

When examining the declared public policies of Argentina’s Anti-Corruption Office, an awareness of specific public management problems in the country's institutional framework emerges; strategic aims often do not correspond with adequate planning, implementation, or evaluation of substantive results for anti-corruption policy programs and efforts, or broader institutional coordination and support remains scarce. Based on previous literature in the field of Latin American public policy, Luciano Andrenacci has developed a sequential model of public policy analysis for understanding particular patterns of mismanagement of public policies in the Argentine institutional framework, thus reaching the conclusion that national practices of public administration tend to demonstrate a lack of planning, or at best a superficial ritualization of
planning practices, the lack of substantive information regarding critical problem-solving processes, and the predominance of overly-politicized or intuitive methods for decision-making (1). Under these circumstances, the structure of public policies will always lack the completion of the linear policy process of problem identification, design, implementation, and effects. This failure to realize full policy development occurs as a consequence of constantly-changing political interests or priorities, which restrain the availability and use of public resources and thereby weaken policy institutionalization (Andrenacci 9). Thus, the consistency and continuity of public policies are subject to ruptures in the political order or regime (Medellín Torres 24). Andrenacci’s sequential model of public policy focuses on four specific phases in the formulation of public policy: problem, design, execution, and effects, from which specific public policy management issues emerge. According to Andrenacci, planning, follow-up and evaluation are critical instruments for analyzing policy design, and analyzing policy execution requires the examination of resources, management, operational coherence, and procedural structure. Finally, Andrenacci cites that examining whether programmatic results or policy impacts are present helps to analyze a public policy’s effects (13).

These fundamental issues of public policy mismanagement within the Argentine context, as explained by Andrenacci’s sequential analysis, thus highlight two essential features from the experience of the Anti-Corruption Office: the actual fulfillment of international norms for designing and implementing preventative anti-corruption policies, and the consistency of applying these declared policies over time. Furthermore, utilizing Andrenacci’s conceptual model of policy development would allow us to analyze the Anti-Corruption Office’s consistency in applying anti-corruption policies from 2000 to 2013, thereby demonstrating the Office’s actual
progress in implementing anti-corruption policies in conjunction with international standards. In Chapter 2, the description of the Anti-Corruption Office’s policies provides a preliminary glimpse into its relative fulfillment of the international anti-corruption community’s most salient requirements: the power of reporting, an income and asset declaration system, the power of investigations, civil society participation mechanisms, specific legislative actions for freedom of information, lobbyist disclosure, and whistleblower protection, and cooperation and technical assistance programs. However, in order to explain how anti-corruption policies should be analyzed and valued, this paper will utilize two variables: 1) the fulfillment of United Nations Convention Against Corruption goals, which illustrates the most viable way to assess the value of the Anti-Corruption Office’s policy programs as anti-corruption policies, and 2) the consistency of the Anti-Corruption Office’s application of declared public policies over time, which represents the only way that available information allows us to analyze them. An operationalized description of United Nations Convention Against Corruption prevention measures with methodical qualification of the Anti-Corruption Office's policy actions would provide a concrete comparison of Argentina's Anti-Corruption policies against prescribed international standards. Furthermore, timeline and frequency analysis that utilize data from the Anti-Corruption Office's annual reports will not only show the Office’s consistency in administering its declared policy actions, but also help to provide a final evaluation and summary for answering the central question of what the Anti-Corruption Office has done for thirteen formative years since its inception.
3.2. Fulfillment of International Requirements for Anti-Corruption Policies

In order to interpret the fulfillment of the United Nations Convention Against Corruption requirements by Argentina’s Anti-Corruption Office, the table presented in Appendix A has been constructed by using Chapter Two of the Convention’s treaty for listing the preventative measures required, describing whether or not the Anti-Corruption Office has provided any action, assigning complete, partial, or no implementation values to the Anti-Corruption Office’s policy program or action, and assigning a numerical representation as per the level of implementation. In this way, Appendix A provides a holistic approach for interpreting the relative fulfillment of the international requirements for a preventative measures by Argentina’s Anti-Corruption Office. As per the description in Chapter 1, the Convention elucidates the specifications for a country’s general institutional framework for anti-corruption efforts, although Article 6 postulates that specialized anti-corruption agencies should be established in order to effectively formulate and coordinate general prevention measures for combating corruption. Articles 5 through 14 cover various aspects of anti-corruption prevention, yet these articles and their stipulations should not be considered mutually inclusive nor exclusive for a single anti-corruption organism, as they embark on wide-ranging areas such as public procurement and judicial reforms that either lie outside of a single organism’s scope or pertain to different public entity or branch’s functions and competencies. Furthermore, other articles following the “Prevention Measures” chapter of the United Nations’ Convention Against Corruption contain elements or specific requirements that should be deliberated and institutionalized by a specialized anti-corruption agency, specifically with “trading in influence” and whistleblower protections. For analyzing the scope of assigned competencies and policy
actions of Argentina’s Anti-Corruption Office, the requirements from Articles 6, 7, 8, 12, 13, 18, 32, 33, and 36 of the Convention are listed and then operationalized into the specific variables within the table of Appendix A, which allows us to interpret whether Argentina’s Anti-Corruption Office has provided any declared policy action in these areas as well as the extent of its fulfillment to these Convention requirements. Public procurement requirements from Article 9, public administrative procedures in Article 10, judicial reform requirements from Article 11, and money-laundering regulations in Article 14 shall not be considered for the scope of application to the Anti-Corruption Office, as these obligations remain outside the institutional and jurisdictional parameters of any specialized anti-corruption agency and therefore pertain to either an existing institution with the appropriate competencies or across the general public sector’s anti-corruption framework.

Thus, within the table, the following levels of compliance are addressed regarding the Anti-Corruption Office’s actions in these core areas: full implementation is assigned where the Anti-Corruption Office has developed an explicit program or dedicated law covers all aspects mentioned in the UN Convention (with a value of 100 percent for the rate of compliance); partial implementation interprets that the measures developed by the Anti-Corruption Office with the aim of complying with international standards have either not been formalized through dedicated laws, or programs only partially cover the requirements of the Convention (with a value of 50 percent for the rate of compliance); and no implementation refers to the absence of implementation of programs or actions by the Anti-Corruption Office (with a value of zero percent for the rate of compliance). Although the table within Appendix considers general (non-specific) requirements that the Anti-Corruption Office may choose whether or not to incorporate
within its fundamental principles and functions, these requirements are only considered as supplementary to the rate of compliance, with the score of 25 percent for full implementation or zero percent for no implementation.

Before considering the Anti-Corruption Office’s overall fulfillment of the United Nations Convention Against Corruption policy requirements for corruption prevention, we must first examine its policy actions in the operationalized areas (the units of analysis) of power of reporting, income and asset declarations system, power of investigations, civil society participation mechanisms, legislative actions for Freedom of Information, Lobbyist Disclosure, and Whistleblower Protections laws, and cooperation and technical assistance agreements with governmental entities and the private sector. In discussing the Anti-Corruption Office’s actions in each policy for fulfilling international obligations below, the justification is provided for the assigned levels of compliance provided in Appendix A.

### 3.2.1. Power of Reporting

The Public Ethics Law and the formally designated duties of the Anti-Corruption Office clearly stipulate how allegations and complaints of perceived corrupt activities by public officials are received, filed, and processed. As per international requirements, the Anti-Corruption Office has communicated and informed the public for how to report, to whom to report, and what protections are provided (only anonymity) to witnesses or denouncers of corruption. Furthermore, the Anti-Corruption Office’s careful documentation and description of its procedure for receiving and processing complaints and allegations demonstrates consistency and reliability of their performance. Thus, the UN Convention’s requirement for reporting allegations
and evidence of corruption according to Article 8, part 4 and Article 13 part 2 has been fully implemented by the Anti-Corruption Office.

3.2.2. Income and Asset Declarations System

The Anti-Corruption Office’s administration of its income and asset declaration regime represents a successful case of fully implementing Article 8’s requirement for an income and asset declaration system. As per the Technical Guide to the United Nations Convention Against Corruption, the Anti-Corruption Office’s income and asset declaration system includes all of the necessary features, such as annual comparisons of an official’s financial earnings, requiring officials to justify the sources of their income, and providing information regarding officials’ declarations all physical and legal persons to access information on asset declarations. Furthermore, the Office also utilizes the income and asset declaration system to detect irregularities for potential conflict of interest or incompatibilities cases, which provide the basis for further investigations and potential prosecutions of offenders.

3.2.3. Power of Investigations

The Public Ethics Law, which formally designates the official duties of the Anti-Corruption Office, allocates important investigatory capacities to the Anti-Corruption Office through its reporting mechanisms as well as its income and asset declaration regime. Specifically, the Anti-Corruption Office wields the authority to launch investigations for unjustified enrichment, non-compliance with the asset disclosure requirements, or demonstrable conflicts of interest by high-ranking officials of the Executive Branch. Furthermore, the Anti-Corruption Office can act as plaintiff in cases of corruption affecting the patrimony of the State.
and which lie within the Office’s jurisdictional competencies. However, its authority to promote further investigation is dependent on the cooperation of the Prosecutor for Administrative Investigations (*Fiscal de Control Administrativo*), whose direction is necessary in order to pursue investigatory trails in the judicial court system. Nonetheless, the Anti-Corruption Office has fully implemented the UN Convention’s requirement for conducting proper investigations of corruption, as illustrated in Articles 6 and 36, within its own jurisdictional powers and competencies for monitoring Executive Branch officials.

### 3.2.4. Civil Society Participation Mechanisms

The *Audencias Publicas* (AP) and *Elaboracion Participada de Normas* (EPN) mechanisms were developed by the Anti-Corruption Office in order to effectively engage civil society members in anti-corruption efforts, through educational seminars as well as participation forums for developing legislative proposals of new anti-corruption laws and reforms. These efforts demonstrate clear efforts to providing the public space for civil society members to effectively engage in anti-corruption policy. However, the transferal of jurisdiction away from the Anti-Corruption Office and towards the *Subsecretaria para la Reforma Institucional y Fortalecimiento de la Democracia* has severely limited its ability to engage civil society members in the process of formulating anti-corruption policy. Links with academic institutions, NGOs, and private sector associations still exist, but are utilized with a limited scope, primarily with the cooperation and technical assistance agreements, as well as educational seminars. Thus, the Anti-Corruption Office has only partially implemented the UN Convention’s requirements for engaging civil society in parts 2 and 4 of Article 13.
3.2.5. Legislative Proposals

i) Freedom of Information Law

The Anti-Corruption Office developed an important and comprehensive legislative proposal for a dedicated law guaranteeing access to public information during the first two years of its administration, utilizing a tremendous amount of effort and resources through civil society participation mechanisms as well as consultation based on the U.S. *Freedom of Information Act*. Although the Anti-Corruption Office had submitted the legislative proposal to the Ministry of Justice as well as Congress in 2002 and 2003, the lack of Congressional consensus and political commitment to passing this law has thwarted those efforts. Decree 1172/03 and its *Reglamento General de Acceso a la Informacion Publica* establish some provisions for access to information, but these provisions only apply to the Executive Branch and furthermore do not include all of the necessary conditions stipulated by the Anti-Corruption Office’s original legislative proposal. Therefore, the stipulations within Article 13 of the UN Convention Against Corruption for access to public information, i.e. a freedom of information law, have only been partial implemented by Argentina’s Anti-Corruption Office.

ii) Whistleblower Protection Law

The Anti-Corruption Office developed a legislative proposal that would include the essential features of a whistleblower protection law, as per the UN Convention’s requirement in Articles 32 and 33. However, the Office has failed to present this legislation to Congress for review and passage into law. Furthermore, no subsequent regulations or decrees have been passed that would allow for some established provisions on whistleblower protections. Although
anonymity is provided to witnesses of corruption crimes that choose to report them to Anti-Corruption Office representatives, the lack of effective legal protections, as well as follow-up efforts by the Anti-Corruption Office, point to the lack of any implementation of Articles 32 and 33 of the UN Convention Against Corruption.

iii) Lobbyist Regulation Law

The Anti-Corruption Office developed a legislative proposal that would regulate the influence of lobbyists on public officials' interests and activities in office. However, the failure of Congress to pass this legislative draft into law disallowed a dedicated legislation to guarantee full implementation of the UN Convention Against Corruption. Nonetheless, Decree 1172/2003 established general provisions in which executive branch public officials must provide disclosure and registry of all audiences and activities held with interest groups. However, the limited scope of lobbyist activity to only formal hearings, known as the modalidad de audiencia defined by the decree, excludes the Convention’s requirement for any other types of transactions with any other person to be disclosed. Thus, the lack of concrete legislation and the limited scope of Decree 1772/2003’s application shows that the Anti-Corruption Office has only partially implemented this Article 9 of the UN Convention Against Corruption.

3.2.6. Cooperation and Technical Assistance Agreements

Due to the ambiguous definition of coordination between governmental institutions, this re-defined requirement according to Articles 5 and 6 of the UN Convention has been applied for inter-governmental cooperation and technical assistance agreements, in which Argentina’s Anti-Corruption Office has made numerous efforts for cross-national integration of anti-corruption policies and practices. Despite the historical challenge for countries to combat corruption at
multiple layers of government hierarchy, the Anti-Corruption Office has initiated cooperation programs horizontally, as per cooperation agreements with federal entities, and vertically, signing cooperation agreements with sub-national governments at the provincial and municipal levels. Nonetheless, the coordination of anti-corruption policy implementations at these multiple governmental layers remains incomplete, as cooperation and technical assistance programs that the Office has initiated are either still continuing or not yet finalized without adequate evaluation and assessment. Thus, the Anti-Corruption Office’s efforts to implement cooperation and technical assistance programs signify a partial implementation of the UN Convention Against Corruption’s requirement in Article 6 for coordinating preventative anti-corruption policy implementation.

Although the Anti-Corruption Office in Argentina has stated its clear objective of fulfilling international requirements for promoting anti-corruption practices in the private sector, the agency still remains under the process of developing further policy plans to strategize this effort. Furthermore, despite the fact that the Office does not wield authoritative power over private sector organisms, Anti-Corruption Office officials have declared their new strategic efforts to establish important relationships with private sector associations and organizations through inter-governmental cooperation and technical assistance programs, with the first agreement signed in 2013. Nonetheless, the Office has yet to establish the standards for procedures to be used by private sector entities for auditing controls or other detection methods, as the Office yields significant amount of data and experience on developing an income and asset declaration regime. Therefore, private sector requirements from Article 12 of the UN Convention Against Corruption have been partially implemented by the Anti-Corruption Office.
3.3. Overall Fulfillment of United Nations Convention Requirements

Thus, when aggregating the level of fulfillment and the corresponding percentages for each operationalized area for anti-corruption policies as per the UN Convention Against Corruption, the rate of the Anti-Corruption Office's overall compliance to these international standards remains at 45 percent. Although this figure represents a strong initiative to incorporating and instituting the most salient elements of international provisions for preventative anti-corruption policy, it also suggests that full implementation of Convention requirements remains a central challenge for Argentina's Anti-Corruption Office. Full implementation of a standard code of ethics, the power of receiving and processing reports of corruption, an income and asset declaration system, and education workshops and seminars for civil society organizations affords the Anti-Corruption Office the necessary impetus to initiate investigations regarding conflicts of interest or irregularities, cooperation and technical assistance programs, formal civil society participatory mechanisms, and legislative projects for anti-corruption reform. Nonetheless, the Office's efforts in these other areas remains incomplete without concrete, institutionalized measures that would fully implement the Convention's most relevant policy requirements.
3.4. Consistency in Applying Anti-Corruption Policies

As the previous section elucidates the paradigm of the degree of fulfillment of United Nations Convention requirements as a necessity for assessing the value of the Anti-Corruption Office’s policy programs as anti-corruption policies, this section will reveal that the consistency of the Anti-Corruption Office’s policies over time offers the only viable way that available information allows us to analyze them. Therefore, analyzing the Anti-Corruption Office’s consistency of applying its declared public policies throughout its administration from 2000 to 2013 requires the examination of each policy area through a timeline or a sequence, which will in turn help to identify important patterns or capacity gaps that emerge from a linear policy development analysis.

3.4.1. Power of Reporting

The Anti-Corruption Office has continued to provide various portals for reporting corrupt activities each year, thus showing consistency of the Office’s application of receiving complaints of potential corruption. However, the Office has not consistently provided updated information regarding the total number of complaints received, but rather a categorization of the origin of complaints. Furthermore, this categorization of the complaints’ origins, divided into public organisms, individual complaints, or ex officio, does not offer specific data on which public organisms or entities have submitted formal complaints in any of the Office’s reports. Although the Anti-Corruption Office has provided information regarding the number of anonymous complaints filed, the annual report of 2013 notes that from 2004 to 2013, the number of complaints made anonymously has diminished over time (Informe anual de gestión 2013, 16). In recognition of this fact, the Anti-Corruption Office officials speculate in each published annual
report that fear of retribution may be the primary impediment for witnesses of corruption to report such activities to the designated authorities, and the Anti-Corruption Office continues to stress its efforts to promote witness protection through its Congressional proposal for legislation (Informe Anual de Gestion 2013, 16).

3.4.2. Income and Asset Declarations System

The Anti-Corruption Office begins to offer quantitative analysis on its income and asset declarations regime in its annual report from 2002, as the first two years of the Office’s administration are dedicated to initiating the pilot phase of the regime and also compiling the necessary data. The three figures below present a summarized view of the findings of these annual reports, based on incompatibilities and conflicts of interest.

**Figure 1. Conflicts of Interest and Incompatibilities – Detection from Income and Asset Declarations**

![Graph showing declarations flagged for incompatibility/conflict of interest from 2000 to 2013.](image)

*Source: Adapted from the Anti-Corruption’s annual reports from 2000-2013 (www.anticorrupcion.gov.ar)*

*Note: No data is available from 2000-2001, as the recently-created Anti-Corruption Office was still compiling data and developing the mechanics for detecting conflicts of interest/incompatibilities. Also, no data is available for the amount of declarations flagged in 2005.*
Figure 2. Conflicts of Interest Cases – Cumulative since 1999

*Source: Adapted from the Anti-Corruption’s annual reports from 2000-2013 (www.anticorrupcion.gov.ar)
*In 2004, no data is provided regarding conflicts of interest and incompatibilities.

Figure 3. Incompatibilities Cases – Cumulative since 2000

*Source: Adapted from the Anti-Corruption’s annual reports from 2000-2013 (www.anticorrupcion.gov.ar)
*In 2004, no data is provided regarding conflicts of interest and incompatibilities.
From 2002 until 2006 (with the exception of 2005, in which no data was available), the amount of income and asset declarations flagged for irregularities, representing potential incompatibilities or conflicts of interest, are steady, with a high amount of detections at around 200-250 declarations. From 2007 to 2013, the number of flagged declarations occurs steadily but at a lower range of 100 to 200 declarations. Furthermore, Figures 3 and 4, representing the number of conflicts of interest cases as well as incompatibilities cases that have arisen, show the persistent and incremental growth of the number of resolved cases. Thus, these figures, based on the Anti-Corruption Office’s annual reports’ data, would suggest that the Anti-Corruption Office’s activities for monitoring its income and asset declarations for potential conflicts of interest and incompatibilities have remained consistent throughout its administration until 2013, thus providing a foundation for further investigations and judicial trials for potentially sanctioning corrupt officials. Nonetheless, specific statistical data regarding the total number of declarations received has not been provided in these reports, which may have helped the public audience to conceptualize a comprehensive view of what the Anti-Corruption Office has processed within the annual period.

3.4.3. Power of Investigations

Similarly with income and asset declarations, the Anti-Corruption Office begins to offer quantitative analysis on judicial cases in its annual reports starting from the year 2000. Thus, Figure 4 presents a summarized view of annual data regarding the participation of the Anti-Corruption Office in corruption cases within the judicial sphere.
According to the Anti-Corruption Office’s 2013 annual report, the total number of cases represents what the Anti-Corruption Office designates as the total derivaciones a la justicia, or entry into the judicial system for potential prosecution. In these cases, the Anti-Corruption Office may either refer cases that may have illicit elements for judicial review, participate as plaintiff, or participate in testimony of a case of corruption (Informe anual de gestion 2013, 15). Thus, the 2013 annual report statistics show that the total number of cases in which the Anti-Corruption Office has participated in has steadily risen since 2002 and up to 2009 (16). However, the Office notes in its annual report from 2009 that the significant decrease in the total number of judicial cases with the Anti-Corruption Office’s involvement in 2009 is caused by the resolution of three key cases that were connected to several subsequent corruption cases that had been presented to
the criminal courts (28). Since 2009, the total number of judicial cases for corruption in which the Anti-Corruption Office has participated has steadily risen. Overall, the Anti-Corruption Office has dedicated substantial efforts towards initiating and processing investigations against Executive branch officials engaged in demonstrable corruption offenses throughout its administration, acting as plaintiff in a smaller amount of judicial cases for corruption offenses.

However, the Anti-Corruption Office reveals significant difficulties in pursuing investigations towards judicial prosecution in its 2010 annual report, highlighting the ambivalent nature of judges overseeing the criminal trials of public officials whom the Anti-Corruption Office has been actively investigating. Specifically, Anti-Corruption Office authorities claim that Federal Court Justices have a low level of response towards prosecution of offenders of the Public Ethics Code, where federal judges have underestimated the degree of the offense as listed in the formal penal code, or have interpreted corruption offense criteria as presented by Anti-Corruption Office officials as erroneous or subjective (Informe anual de gestion 2010 51-54). Thus, the difficulty in effectively guaranteeing the proper prosecution or sanctioning of public officials proving to have been involved in corrupt activities has highlighted the limited institutional capacity and influence of the Anti-Corruption Office to properly enforce requirements for income and asset declarations systems.

### 3.4.4. Civil Society Participation

The Anti-Corruption Office first developed the *Audencias Publicas* (AP) and *Elaboracion Participada de Normas* (EPN) mechanisms by sending drafts for their formal ratification and adoption to the Ministry of Justice in 2001, and from 2002 to 2003, the Office utilizes the EPN and APN mechanisms for the legislative proposal projects: *Ley de Acceso a la Información*
Pública, and Ley de la Regulación de la Actividad de Gestión de Intereses. In submitting each of the legislative proposal projects through the EPN and AP process, the Anti-Corruption Office cites the success enjoyed by engaging civil society organizations and individuals in the collaborative process of reviewing, discussing, and revising the preliminary drafts through workshops and forums. However, after the transfer of jurisdiction and administration of the EPN and AP mechanisms to the Subsecretaría para la Reforma Institucional y Fortalecimiento de la Democracia, the Anti-Corruption Office was no longer able to spearhead these civil society participation programs for any future endeavors, and thus had to re-focus their attentions towards other possible avenues for engaging civil society in anti-corruption efforts, most notably which occurred with the “Education in Values” program as well as some cooperation and technical assistance programs with subnational governments and the private sector. Thus, the consistency in application of civil society participation mechanisms has remained underdeveloped since the transfer of EPN and APN mechanisms to the Subsecretaría para la Reforma Institucional y Fortalecimiento de la Democracia in 2004, without further dedicated efforts.

3.4.5. Legislative Proposals

As per Appendix B, the timeline of legislative proposal activity shows an initial spike, which is followed by a downward trend towards the eventual non-existence of new legislative activity or further developments with previous legislative reform efforts. Specifically, the Anti-Corruption Office pursued ambitious legislative reform and new law proposals with rigor in 2001, but the amount of legislative proposals began to slow in 2004 and were no longer present by 2009 (see Appendix A). Despite the Office’s declarative policy for orchestrating legalized regulations, this gradual decline of legislative activity concurs with Congressional disapproval of
previous legislative proposals, thus suggesting that the Anti-Corruption Office could not establish the necessary impetus for fully formulating additional legislative projects since 2009.

Although the Anti-Corruption Office sought to address international requirements for controlling corruption by dedicating substantial effort in drafting viable laws with the contribution of scholars and civil society groups, the Anti-Corruption Office’s influence on Congress to pass these legislative drafts proved extremely limited. Congressional refusal to approve legislative drafts for key anti-corruption efforts signifies that these representatives do not justify the Anti-Corruption Office’s legislative actions as part of the nation’s domestic interests, and furthermore do not wish to comply with the implied responsibilities and obligations for ensuring access to public information, regulating lobbyist activities with government officials, and protecting witnesses of corruption. Furthermore, the lack of fully dedicated laws in place to ensure freedom of information, witness protection, or lobbyist interest management would leave constitutional deficits and inadequacies for controlling corruption within the country, thereby failing to fully implement international requirements for anti-corruption policies. Thus, the lack of political consensus and the resulting constitutional deficits limits the institutional capacity of the Anti-Corruption Office to coordinate effective and consistent implementation of these policies throughout the country’s governance framework. In summary, these results demonstrate that the Office has not succeeded in meeting its own objectives for consistent application of this area of anti-corruption policy.
3.4.6. Cooperation and Technical Assistance Programs

When considering the timelines shown in Appendixes B and C together, a general pattern emerges and demonstrates a shift away from legislative proposals and towards more educational and technical assistance programs, especially with subnational governments and offices. As per its initial ambitiousness with legislative proposals, the Anti-Corruption Office originally focused on securing cooperation and technical assistance agreements with important ministries and federal offices or agencies. However, the frequency of cooperation agreements struck with federal organisms slows by 2005, resulting in only 11 total agreements out of almost 200 total federal organisms within the examined 13-year timespan. Interpreted more macroscopically within the country’s institutional framework, the Office’s formation of cooperation alliances at the horizontal level has remained inconsistent.

Alternatively, as cooperation agreements with federal government agencies and organizations had become scarcer by 2005, the amount of cooperation agreements with provincial and municipal governments began to increase. Despite this significant change, the Anti-Corruption Office does not provide sufficient commentary or justification as to why cooperation agreements at the horizontal level substantially decreased while cooperation agreements with sub-national governments became more prevalent. The Anti-Corruption Office only cites the integration of the Fortalecimiento Institucional Project (2005) and the consequential Plan Provincias to occur as part of newly-vamped efforts to strengthen its institutional capacity and permeate sub-national levels of government, as well as the private sector.
i) **Plan Provincias**

With a total of 23 provinces in Argentina apart from the autonomous capital, the Anti-Corruption Office has only contracted formal cooperation and technical assistance programs with six provincial governments: Corrientes, Mendoza, Chubut, Entre Ríos, Santa Fe, and Tierra del Fuego. A handful of cooperation agreements with municipal governments have been signed, including the City of Córdoba and a few agencies within the province of Buenos Aires. Therefore, cooperation and technical assistance programs have only been reached with 26 percent of the total possible provincial governments over the entire span of the Anti-Corruption Office’s tenure, yet this figure represents a more promising start in comparison to previous efforts with national-level agencies.

The private sector, representing the newest strategy for the Anti-Corruption Office to broaden the scope of cooperation agreements, begins to become the latest targeted objective in 2011, with the first cooperation agreement occurring most recently in 2013. The Anti-Corruption Office has cited this as a strategy in response to international requirements for promoting auditing standards and accounting control in the private sector, yet this strategy would also broaden the reach of anti-corruption efforts from the public domain to the societal domain.

Overall, the timeline shows a few gap years in the Anti-Corruption Office’s activity with cooperation and technical assistance agreements, where no new subnational or national cooperation agreements, nor developments in previous cooperation agreements, are recorded in 2004, 2009, and 2013. This fact, along with the change in focus away from federal agencies and towards sub-national governments as well as the private sector, demonstrates a lack of continuity for inter-government cooperation throughout the Anti-Corruption Office’s administration.
Furthermore, the scaling-down in focus for institutional alliances, from macro-level organisms to more micro-level organisms, may show a regression in progress for promoting key anti-corruption mechanisms throughout the multiple layers of Argentine government.

Nonetheless, the political orientation of subnational governments may explain the logic in choosing to focus on provincial or municipal areas for initiating and developing cooperation and technical assistance agreements. Since the change in Argentina’s political leadership in 2003 with the presidential election of Nestor Kirchner, the Justicialist Party has been able to maintain its political governance throughout the country’s federalist system, gaining a majority percentage of electoral wins in national provinces. For the majority of subnational offices for which the Anti-Corruption Office has secured cooperation agreements, the Justicialist Party or a government-supported political party have led the region’s political orientation (see Appendix D). In Argentina as well as other Latin American countries, the forms of government determine the scope as well as the limitations imposed by the ruling political and institutional order, and thus policy options stem from the range of actions from a particular application of governmental tactics allowed by the ruling political regime (Medellín Torres 18). If political interests typically define a public policy’s institutional feasibility, then political regime may serve as a fundamental explanatory factor for the problem of properly-structured public policies in Latin America, ergo Argentina. As the Anti-Corruption Office remains dependent on the Office of the President, therefore lacking institutional autonomy, then its officials would have the natural inclination to determine strategic action for inter-institutional coordination of this anti-corruption policy by using the political affiliations of the public administration.
3.5. Final Statistical Weighing of Variables

To summarize the observations and findings of the two variables, fulfillment of international standards and consistency of application, Annex E provides a final statistical weighing for each policy, which represents separate units of analysis, conducted by Argentina’s Anti-Corruption Office. As explained in the methodology section of the introduction, the variables are assigned numerical values depending on the level of policy implementation or activity in each dimension. For the fulfillment of international standards variable, the dimensions are qualified by the degree of dedicated legislative efforts or specified programs, thus assigning high, medium, or low level of compliance. On the other hand, the consistency of application variable is determined by three separate dimensions: duration, stability, and strength. Then, the variables’ values are averaged to produce a final statistical weighing for each policy, which corresponds to one of the following categories: fully developed, partially developed, and nascent. Figure 5 summarizes the final statistical weighing for each public policy, which is fully explained in Annex E.
Only three policies have been determined as fully-developed policies: power of reporting, income and asset declaration system, and the power of investigations. These fully-developed policies represent cases for successful implementation of international requirements as well as execution throughout the policy cycle. Conversely, subsequent policies have been assigned to the status of partially-developed. Nonetheless, the Whistleblower Protection Law remains the exception as a nascent policy that lacks substantive development in either fulfillment of international standards or consistency of application. Thus, as only 3 of the examined 8 policies in Appendix E have been determined as fully-developed policies, then the majority of the Anti-

![Figure 5. Summary of Statistical Weighing of Variables for Policies by the Anti-Corruption Office](image)
Corruption Office’s policies lack complete development. As aforementioned in this chapter, some limitations imposed to the Anti-Corruption have hampered policy advancement, such as lack of Congressional approval for a dedicated law, or change in direction or modification of single policy over time. Thus, the Anti-Corruption Office’s inability to overcome these limitations for further policy progress highlight institutional capacity deficits, specifically with policy coordination.

3.6. Preliminary Conclusions

In terms of the operationalized United Nations Convention Against Corruption’s policy requirements, the Anti-Corruption Office’s overall compliance to these international standards remains at 45 percent. Although this figure represents a strong initiative to incorporating and instituting the most salient elements of international provisions for preventative anti-corruption policy, the lack of complete implementation of specific legislations, namely the partial implementation of the Freedom of Information and Lobbyist Disclosure laws and the non-implementation of a Whistleblower Protection Law, represents a serious detriment of the Anti-Corruption Office’s progress in securing the most valuable protections against unethical practices. Full implementation of a standard code of ethics, the power of receiving and processing reports of corruption, an income and asset declaration system, and education workshops and seminars for civil society organizations occurs at the expense of only partially implementing requirements for judicial investigation of detected irregularities, cooperation and technical assistance programs, formal civil society participatory mechanisms, and legislative projects for anti-corruption reform, which depend upon the Office’s ability to coordinate with other control organisms in the public sector.
Likewise, analyzing the consistency of the Anti-Corruption Office’s application of declared public policies over time demonstrates key policy management problems that mostly relate to obstacles in effectively coordinating with public organisms involved in the policy process. Although the Anti-Corruption Office’s ability to monitor its income and asset declarations for potential conflicts of interest and incompatibilities have remained consistent, the Office has encountered significant difficulties in pursuing investigations towards judicial prosecution, where federal judges may not recognize the Anti-Corruption Office’s corruption offense criteria modeled after international provisions. Furthermore, the gradual decline of legislative activity that concurs with Congressional disapproval of previous legislative proposals suggests that the Anti-Corruption Office could not establish the necessary impetus for fully formulating additional legislative projects since 2009. The most likely explanation for the lack of political consensus and the resulting constitutional deficits is the Anti-Corruption Office’s inability to propel its anti-corruption objectives to national political priorities. Finally, the lack of continual inter-government cooperation programs throughout the Anti-Corruption Office’s administration, as well as the scaling-down of institutional alliances from macro-level to micro-level public organisms, shows the backsliding of anti-corruption prevention campaigns throughout the multiple layers of Argentine government. This occurs as the Anti-Corruption Office tends to build cooperation and technical assistance alliances with those subnational government offices aligned with the ruling political party, thus showing some legitimacy concerns and capacity limitations for operating outside of political interests.

The statistical weighing of each public policy has shown that although a few policies are considered fully-developed, the majority remain as partially-developed or nascent. Collectively,
the weighing of these policies encapsulates the stagnant progress of completed policy
development by the Anti-Corruption Office, which have been explained by the variables of
analysis and their respective dimensions. Both variables, fulfillment of international standards
and consistency of application, have assessed the value of these anti-corruption policies as well
as their quality, thus highlighting fundamental problems of the public policy management as
aforementioned literature illustrates. Coordination problems across institutional and political
lines, as well as through vertical layers of government, in conjunction with improper policy
administration, represent the underlying shortcomings for the Office to realize completed and
successful anti-corruption policies.
4. Final Conclusions

While the primary objective of this study has been to describe and analyze a selected the most relevant policies of Argentina’s Anti-Corruption Office, the need for explaining how anti-corruption policies can be determined has become a central feature of this analysis. Thus, in accordance to the specified objectives provided in the introduction, this thesis has developed an international frame of reference to form the ideal anti-corruption model, as per the United Nations Convention Against Corruption’s preventative policies, and compared Argentina’s Anti-Corruption Office’s policies against these standards. Then, the Anti-Corruption Office’s policies have been assessed and evaluated through two variables, the actual fulfillment of international standards and the consistency of applying these declared policies over time, thereby forming conclusions about the quality of these policies and offering policy recommendations. As per the propositions originally put forward, the research and analysis demonstrates that a tendency exists for Argentine policies dictated by the Anti-Corruption Office to differentiate with the anti-corruption policies proposed by international conventions. Furthermore, capacity gaps and functional limitations arise within the country’s current anti-corruption framework when national policies differentiate from the established international model for anti-corruption policies.

Furthermore, fundamental issues of public policy management within the Argentine institutional context delineate the capacity limitations of the Anti-Corruption Office in designing and executing effective anti-corruption policies. Both the fulfillment of the United Nations Convention Against Corruption’s requirements as well as the consistency of application over time suggest that the Anti-Corruption Office has successfully implemented and maintained reporting practices, an income and asset declaration system, and a system of investigations.
However, in regards to additional policy programs, the Anti-Corruption Office has not been able to maintain the same level of consistency in application, although it has been able to either partially or fully implement requirements made by the United Nations Convention Against Corruption.

4.1. Fulfillment of International Standards

At the superficial level of emulating international objectives for combating corruption, Argentina’s Anti-Corruption Office has worked to diligently implement international standards within its policy framework, developing programs and initiatives in a variety of areas that reflect the multi-faceted nature of corruption prevention. Its activities in reporting, income and asset declaration systemization, and investigations would provide a comparative case for potential analysis for standardizing anti-corruption prevention policies, especially for detection practices. Furthermore, the Office’s innovation in creating cooperation and technical assistance programs provide substantial examples for coordinating transparency instruments and anti-corruption policies through multiple layers of government. Finally, its development of Audencias Publicas (AP) and Elaboracion Participada de Normas (EPN) offers the international community an attractive method for involving and mobilizing civil society for anti-corruption efforts. All of these efforts signify the approximated interpretation of the United Nations Convention against Corruption’s ideals for how preventative policy measures should be devised and applied to specialized anti-corruption agencies.

Nonetheless, the Anti-Corruption Office in Argentina’s failure to advance legislative action and institute comprehensive legal reforms has led to either partial or no implementation of international provisions for freedom of information, protection of whistleblowers, and lobbyist
regulation laws, which in turn carry definite consequences. Measures such as reporting mechanisms, lobbyist disclosure measures, whistleblower protections, income and asset declarations, and investigations carry a high impact on the Argentine government’s credibility in effectively delivering on the promise and threat of sanctioning corrupt officials. Although the purpose of civil society participation measures, freedom of information laws, and cooperation and technical assistance programs are more educational, informative, or coordinative in scope, such measures should also help the Anti-Corruption Office to establish credibility among both the public sector as well as the Argentine society. Thus, the failure to completely implement these legal provisions negatively impacts the Office’s credibility, which thereby compounds the problem of creating a sustainable institutional structure for transparency governance.

4.2. Consistency in Application

Since the emergence of Project *Fortalecimiento Institucional de la Oficina Anticorrupción* in 2005, there has been a demonstrate change in direction of anti-corruption policies developed in a 13-year timespan. The most important policy actions of the Anti-Corruption Office took place in the initial years of 2000 to 2004, with ambitious and focused projects focusing on legislative action, civil society engagement, and cooperation programs with important national agencies. Subsequently, these ambitious projects seeking wider institutional reform in the public administration were left behind, and the Anti-Corruption Office began focusing on smaller-scale activities.

Inter-governmental cooperation agreements, which initially targeted federal government agencies for expanding the Office’s horizontal reach, had become scarcer by 2005, and yet the amount of cooperation agreements with provincial and municipal-level organizations grew with
Plan Provincias in force as the latest focus for cooperation and technical assistance agreements. In later years, the Office re-focuses on the private sector, thus initiating a new strategy for cooperation and technical assistance programs. However, the consistency of applying technical assistance and education programs suffered as a result of this change in direction in 2005 with Project Fortalecimiento Institucional de la Oficina Anticorrupción, thus only allowing the Office to successfully capture a small portion of federal agencies and a slightly larger percentage of subnational entities for institutional coordination. Furthermore, the lack of information regarding any formal program evaluation for these cooperation and technical assistance activities impedes further analysis regarding the quality and success of these programs in meeting declared objectives.

Civil society participation mechanisms through Audencias Publicas (AP) and Elaboracion Participada de Normas (EPN) represented a direct approach by the Anti-Corruption Office to engage citizens in the formulation and enforcement of anti-corruption policy. However, once the Anti-Corruption Office lost its jurisdiction over these policy programs, it has been unable to effectively lead participatory forums that would engage civil society with the same organizational and tactical competence. Therefore, the allotted public space for civil society to participate in anti-corruption efforts is limited to public awareness campaigns as well educational outreach in academic institutions.

In conjunction with the timeframe of losing Audencias Publicas (AP) and Elaboracion Participada de Normas (EPN) authority, the Anti-Corruption Office slowed in legislative proposal activity, thus remaining stagnant with the three proposals for dedicated freedom of information, lobbyist disclosure, and whistleblower protection legislations. Although Presidential
Decree 1172/2003 contains provisions for providing access to information as well as a lobbyist disclosure method, both are administered by the Subsecretaría para la Reforma Institucional y Fortalecimiento de la Democracia, and the Decree only applies jurisdiction to the of these policies to the Executive Branch. Furthermore, the lack of concrete legal protections for those that provide witness and testimony for corruption cases affects the Office’s capacity for both securing reports of corrupt activities as well as ensuring corroborations for judicial investigations. Thus, the Anti-Corruption Office has continued to stress its efforts in promoting witness protection through its Congressional proposal for legislation.

As a result, the agency’s institutional capacity to reliably continue specific innovative projects has proved deficient, as seen with the gradual abandonment of advancing legislative proposals, continual re-adjustment of cooperation and technical assistance agreements, and civil society participation programs. Thus, the Anti-Corruption Office’s actions in these policies that reveal capacity deficiencies may not enjoy the same institutional significance and impact on the public administration as its strengths in the administration of its income and asset declaration regime, reporting procedures, and investigation processes. As previously defined, the Anti-Corruption Office’s problem for consistently applying its declarative policies highlights fundamental public management issues in design, execution, and coordination.

i) Design

Although the Anti-Corruption Office states that they have adopted planning mechanisms for various anti-corruption efforts, these planning instruments are not applied systematically for all anti-corruption initiatives, and are present on an ad-hoc basis for those programs outside of the income and asset declarations regime. The Anti-Corruption Office has implemented monitoring
and follow-up mechanisms within the Department of Investigations for administering the income and asset declaration regime, system of reporting, and investigations regime. However, monitoring and evaluation are not present for civil society participation mechanisms, cooperation and technical assistance agreements with neither subnational governments nor federal entities.

ii) Execution

The Anti-Corruption Office has the available resources and financing for administering its income and asset declarations regime, reporting system, and for carrying out investigations where appropriate. However, the agency does not have the proper resources aligned to adequately form alliances with civil society organizations in order to promote participatory mechanisms, as these resources have been re-allocated to another public organism. Furthermore, the Office lacks the institutional and political resources to form effective alliances with federal agencies for cooperation and technical assistance, and these same cooperation agreements with sub-national governments are based on the funds assigned from Plan Provincias, as well as existing political alliances tied to the Executive Power. Furthermore, the Office lacks the political and organizational resources to effectuate necessary legislations for anti-corruption reform. Essentially, the Anti-Corruption Office holds a symbolic role in effectively coordinating their anti-corruption policies in cooperation and technical assistance programs with federal entities, subnational governments, and the private sector, as well as with civil society participation programs and legislative proposals for anti-corruption reform. They do not wield control and management over the complete implementation of their programs, as they serve as consultants with the required expertise for cooperation agreements, or as effective legislative draft writers but not effective legislative advocates or actors. In terms of operational coherency,
coordination with federal justices in the effective administration of corruption cases is problematic, leading to an enforcement issue with the obligation of public officials to present their declarations as well as effective criminal charges against corrupt officials. The Office also lacks cross-organizational authority requiring federal agencies to implement anti-corruption policies via cooperation agreements, and also lacks authority as administer of technical assistance programs in subnational governments as it serves as merely consultant.

These specific policy management problems emerging from this analysis suggest an overall issue regarding the autonomy of the Anti-Corruption Office from political influence. Its relative inability to effectively coordinate policies both within the public sector as well as civil society not only demonstrate the agency’s capacity problems at a micro-level, but also points to the complicated nature of Argentina’s overall institutional framework for governance. Without the necessary independence from the Executive Branch and the necessary authority and competencies to obligate officials from other public agencies to comply with the Office’s standards and policies, the Anti-Corruption Office will continue to lack the power and legitimacy for combating corruption within the national public administration. Furthermore, the Office’s limited independence, authoritative powers, and support from other control agencies as well as judicial and legislative organisms demonstrate a power dynamic that favors a strong but coercive executive leadership to initiate any effective reforms or anti-corruption initiatives. However, the lack of consistent anti-corruption policies and the delayed prosecutions of offenders from the Office’s own investigative cases show that anti-corruption efforts are not considered a political priority. Furthermore, the lack of concrete legislations for protecting whistleblowers, the issue of fewer anonymous reports received by the Anti-Corruption Office, and the delayed prosecutions
of cases presented by the Anti-Corruption Office highlight a cultivation of fear, in which potential retribution for denouncing a corrupt official would incur further inaction to concretize anti-corruption efforts.

As per the findings of the statistical weighing of each policy, the majority of anti-corruption policies by the Anti-Corruption Office remain as partially-developed or nascent, despite the few policies, such as the power of reporting and the income and asset declaration system, that present themselves as relatively successful cases. When considering all policies collectively to determine the relative success or failure of the Anti-Corruption Office for implementing the most salient policies in combating corruption, the basic conclusion remains that the Office has yet to overcome considerable external obstacles as well as internal complications responding to the prevailing political-institutional framework for realizing complete policy development.

4.3. Final Remarks

As a consequence of the research and analysis that I have conducted, I will take the liberty of providing some final remarks regarding the experience of the Anti-Corruption Office in developing its public policies, as well as the international community’s consideration of anti-corruption strategies. First, the Office should consider addressing the inconstancies that arise from applying these anti-corruption policies by organizing a more consistent policy strategy that establishes year-to-year goals and projections, based on the allocated funding as well as utilizing outside consultation on their policy plans. Furthermore, the Anti-Corruption Office may want to consider conducting continual evaluations on the policies orchestrated by the Office of Transparency Policies and Planning, in order to re-visit discontinued programs as well as
ongoing anti-corruption programs. These evaluations would help to document the development and implementation of the policy, identify key stakeholders, assessing compliance with policy objectives and goals, determining the key impacts, and set up new criteria or lessons learned for future policies.

In terms of the impacts for the international anti-corruption community, this case study shows the difficulties arising from applying international standards to domestic anti-corruption policy, specifically with dedicated anti-corruption agencies. Despite the Anti-Corruption Office’s commitment to fulfilling international standards, institutional realities inevitably surfaced, thus hindering important anti-corruption efforts that would simultaneously ensure institutional strength. The lack of political consensus by Congress to ratify laws for protecting whistleblowers, ensuring the right to access information, and curbing the influence of lobbyist groups has severely limited the Office’s capacity to generate meaningful reform. The changing of jurisdiction and competencies with civil society participation programs away from the Anti-Corruption has reduced the options for involving civil society in anti-corruption policy implementation. As members of international forums discussing anti-corruption policy standards consider these drawbacks, they may be able to share experiences that offer alternative strategies or methods, or create stipulations within convention treaties that address coordination concerns.

Finally, some complex issues that this thesis has touched upon may offer potential research questions for future academic investigations. As evidenced during the analysis of Argentina’s anti-corruption policies and their consistency of application, political influence and the dynamics of power or coercive leadership may be demonstrated by the Anti-Corruption Office’s lack of independence from Executive branch leadership. Furthermore, the tendency for
the Office to conduct cooperation and technical assistance programs with those subnational
governments aligned politically with the leading party has been observed, this indicating that
political regime may explain poorly-structured public policies. Thus, future research could
expand on this idea by discussing the relationship between party politics and anti-corruption
reform in Argentina, as well as perhaps other Latin American countries. Another consideration
for future academic investigation rests on this thesis’s observation regarding judicial treatment of
anti-corruption cases presented by the Ant-Corruption Office. The difficulty in realizing
prosecutions of corruption cases highlights the problem of applying effective sanctions for those
indicted on corruption charges. Thus, future research could fully study this problem in terms of
public policy choices and the existing coordination mechanisms within the larger institutional
framework.
Appendix A

Argentina’s Anti-Corruption Office and its Fulfillment of the UN Convention Against Corruption Requirements

<table>
<thead>
<tr>
<th>UN Convention Against Corruption Requirement</th>
<th>Operationalized Variable</th>
<th>Action by Anti-Corruption Office? (Yes, No, or Not Applicable)</th>
<th>Level of Fulfillment</th>
<th>Rate of Fulfillment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 6</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Ensure the existence of a body or bodies that prevent corruption by implementing the policies referred to in article 5 of this Convention and overseeing and coordinating the implementation of those policies</td>
<td>Cooperation and technical assistance agreements with government entities</td>
<td>Yes</td>
<td>Partial implementation</td>
<td>50%</td>
</tr>
<tr>
<td>2. Increasing and disseminating knowledge about the prevention of corruption.</td>
<td>Cooperation and technical assistance agreements with government entities</td>
<td>Yes</td>
<td>Partial implementation</td>
<td>50%</td>
</tr>
<tr>
<td>Article 7</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants and, where appropriate, other non-elected public officials.</td>
<td>Not applicable to powers of anti-corruption institution</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>2. Adopt appropriate legislative and administrative measures to prescribe criteria concerning candidature for and election to public office.</td>
<td>Not applicable to powers of anti-corruption institution</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>3. Take appropriate legislative and administrative measures to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.</td>
<td>Regulations for political party financing</td>
<td>No</td>
<td>No implementation</td>
<td>0%</td>
</tr>
<tr>
<td>4. Adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.</td>
<td>General requirement (non-specific)</td>
<td>Yes</td>
<td>Full implementation</td>
<td>25%</td>
</tr>
<tr>
<td>1. Promote, inter alia, integrity, honesty and responsibility among its public officials</td>
<td>General requirement (non-specific)</td>
<td>Yes</td>
<td>Full implementation</td>
<td>25%</td>
</tr>
<tr>
<td>2. Establish code of conduct</td>
<td>General requirement (non-specific)</td>
<td>Yes</td>
<td>Full implementation</td>
<td>25%</td>
</tr>
<tr>
<td>3. Take note of the relevant initiatives of regional, interregional and multilateral organizations.</td>
<td>General requirement (non-specific)</td>
<td>Yes</td>
<td>Full implementation</td>
<td>25%</td>
</tr>
<tr>
<td>4. Establish measures and systems to facilitate the reporting by public officials of acts of corruption to appropriate authorities</td>
<td>Ability to receive and file complaints/Pow er of Reporting</td>
<td>Yes</td>
<td>Full implementation</td>
<td>100%</td>
</tr>
<tr>
<td>5. Establish systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials.</td>
<td>Income and Asset Declaration Systems</td>
<td>Yes</td>
<td>Full implementation</td>
<td>100%</td>
</tr>
<tr>
<td>6. Take disciplinary or other measures against public officials who violate the codes of conduct</td>
<td>Not applicable to powers of anti-corruption institution</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Article 12**

1. Each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to prevent corruption involving the private sector, enhance accounting and auditing standards in the private sector

   | Cooperation and technical assistance agreements with private sector | Yes | Partial implementation | 50% |

2. Where appropriate, provide effective, proportionate and dissuasive civil, administrative or criminal penalties for failure to comply with such measures

   | Not applicable to powers of anti-corruption institution | N/A | Not applicable | N/A |

**Article 13: Participation of Society**

Promote the active participation of individuals and groups outside the public sector with the following measures:

1. Enhancing the transparency of and promoting the contribution of the

<p>| Civil society participation programs | Yes | Partial implementation | 50% |</p>
<table>
<thead>
<tr>
<th></th>
<th>Freedom of Information Law</th>
<th>Yes</th>
<th>Partial implementation</th>
<th>50%</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Ensuring that the public has effective access to information</td>
<td>Freedom of Information Law</td>
<td>Yes</td>
<td>Partial implementation</td>
<td>50%</td>
</tr>
<tr>
<td>3. Undertaking public information activities that contribute to nontolerance of corruption, as well as public education programmes, including school and university curricula</td>
<td>Civil society participation programs</td>
<td>Yes</td>
<td>Full implementation</td>
<td>100%</td>
</tr>
<tr>
<td>4. Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption</td>
<td>Freedom of Information Law</td>
<td>Yes</td>
<td>Partial implementation</td>
<td>50%</td>
</tr>
</tbody>
</table>

**Take appropriate measures to ensure that the relevant anti-corruption bodies shall provide access to such bodies, where appropriate, for the reporting, including anonymously, of any incidents that may be considered to constitute an offense**

**Article 18: Trading in Influence**

Each State Party shall consider adopting such legislative and other measures to establish as criminal offences, when committed intentionally:

(a) The promise, offering or giving to a public official or any other person, directly or indirectly, of an undue advantage in order that the public official abuse his or her real or supposed influence with a view to obtaining from an administration or public authority an undue advantage for the original instigator of the act or for any other person;

(b) The solicitation or acceptance by a public official or any other person, directly or indirectly, of an undue advantage for himself or herself or for another person in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage.

<p>| Lobbyist Regulation Law | Yes | Partial implementation | 50% |</p>
<table>
<thead>
<tr>
<th>Article 32</th>
<th>Whistleblower Protection Law</th>
<th>Yes</th>
<th>No implementation</th>
<th>0%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Take the appropriate measures in accordance with its domestic legal system and within its means to provide effective protection from potential retaliation or intimidation for witnesses and experts who give testimony concerning offences established in accordance with this Convention and, as appropriate, for their relatives and other persons close to them.</td>
<td>Whistleblower Protection Law</td>
<td>Yes</td>
<td>No implementation</td>
<td>0%</td>
</tr>
<tr>
<td>Measures include (a) Establishing procedures for the physical protection of such persons (b) Providing evidentiary rules to permit witnesses and experts to give testimony in a manner that ensures the safety of such persons</td>
<td>Whistleblower Protection Law</td>
<td>Yes</td>
<td>No implementation</td>
<td>0%</td>
</tr>
<tr>
<td>Article 33</td>
<td>Whistleblower Protection Law</td>
<td>Yes</td>
<td>No implementation</td>
<td>0%</td>
</tr>
<tr>
<td>Provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities.</td>
<td>Whistleblower Protection Law</td>
<td>Yes</td>
<td>No implementation</td>
<td>0%</td>
</tr>
<tr>
<td>Article 36</td>
<td>Power of Investigations</td>
<td>Yes</td>
<td>Partial implementation</td>
<td>50%</td>
</tr>
<tr>
<td>Ensure the existence of a body or bodies specialized in combating corruption through law enforcement. Such body or bodies shall be granted the necessary independence to be able to carry out their functions effectively and without any undue influence; appropriate training and resources to carry out their tasks.</td>
<td>Power of Investigations</td>
<td>Yes</td>
<td>Partial implementation</td>
<td>50%</td>
</tr>
</tbody>
</table>
## Appendix B

### Timeline for Legislative Proposals and Actions by the Anti-Corruption Office (2000-2013)

<table>
<thead>
<tr>
<th>Year</th>
<th>Legislative Proposal or Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>Participation in the drafting of the Reglamento de Contrataciones del Estado</td>
</tr>
<tr>
<td>2001</td>
<td><strong>Ley de Publicidad de la Gestión de Intereses</strong> (Lobbying Disclosure Law)- Writing the preliminary draft</td>
</tr>
<tr>
<td></td>
<td><strong>Ley de Acceso a la Información</strong> (Access to Information Law)- Writing the preliminary draft</td>
</tr>
<tr>
<td></td>
<td>Audiencias Públicas para la Transparencia de la Gestión and Elaboración Participada de Normas drafts presented to Ministry of Justice and Human Rights</td>
</tr>
<tr>
<td></td>
<td>Designs “Transparency and Anticorruption Policy” component for Decree Nº 103/2001 (B.O. 29.576, 29/01/01), approving the National Plan for the Modernization of the Public Administration.</td>
</tr>
<tr>
<td></td>
<td>Submits recommendations for legal/regulatory criteria for processing request, selection, assignment, and accounting of Contributory Funds of the National Treasury (Fondos de Aportes del Tesoro Nacional (ATN)).</td>
</tr>
<tr>
<td>2002</td>
<td><strong>Proyecto de Ley de Gestión de Intereses</strong>: draft submitted for &quot;Elaboracion Participada de Normas&quot; mechanism/forum, and the final draft is submitted to the Ministry of Justice, to be elevated to the National Congress</td>
</tr>
<tr>
<td></td>
<td><strong>Proyecto de Ley De Acceso a la Información Pública</strong>: draft submitted for &quot;Elaboracion Participada de Normas&quot; mechanism/forum. Final draft approved by President and sent to Congress for preliminary review (to the Committee of Constitutional Affairs and Freedom of Expression, and the Chamber of Deputies. Project - Decree for Elaboracion Participada de Normas y Audiencias Publicas: - under evaluation/consideration of the Minister of Justice, Security, and Human Rights</td>
</tr>
<tr>
<td></td>
<td>Preliminary Project for Witness Protection - <em>Ley sobre Testigos Protegidos</em> is under development but delayed – administrative delays in the approval process of an external consultant that would investigate cases of witness protection.</td>
</tr>
<tr>
<td>2003</td>
<td><strong>Ley de Acceso a la Información Pública</strong>: on May 8th, the bill obtains preliminary approval by the Lower Chamber, and submitted to the Upper Chamber, The Senate on May 10th. Sent to several commissions, including the Constitutional Affairs, Administrative Affairs, Municipal Affairs, etc.</td>
</tr>
<tr>
<td></td>
<td><strong>Ley de Publicidad de la Gestión de Intereses</strong> “Lobby”: the bill has been drafted by the Committee of Constitutional Affairs, but has yet to be passed as a separate legislation by parliament</td>
</tr>
<tr>
<td></td>
<td>Drafting of <strong>Proyecto de reforma de la normativa sobre ética pública</strong>: important modifications for improving efficiency, creating a framework for preventive measures that battle corruption, conducted workshops for elaborating a legislative reform project</td>
</tr>
<tr>
<td></td>
<td>Drafting - Protection of Whistleblowers, Informants, and Witnesses of Acts of Corruption Act; submitted through EPN process</td>
</tr>
<tr>
<td></td>
<td>Preliminary Draft produced (antepronieto) by the Anti-Corruption Office - Proposal for Reform of the Intelligence Law (Reforma de la Ley de Inteligencia)</td>
</tr>
<tr>
<td>2004</td>
<td><strong>Ley de Acceso a la Información Pública</strong> - still in Congress pending approval - the Senate made a series of modifications to the proposal and sends it back to the Chamber of Deputies for approval or rejection of those legislative changes. The project, in its original unrevised text, had already received approval by the Chamber of Deputies, and the pending deadline for approving the revision of the proposal is given until the end of the parliamentary year 2005. The Office states that it is working jointly with some civil society organizations to follow up with parliamentary action and offer various potential modifications to the Senate.</td>
</tr>
<tr>
<td></td>
<td>No further developments with the legislative proposal - <strong>Ley de Publicidad de Gestion de Intereses</strong></td>
</tr>
</tbody>
</table>
Designation of Subsecretaria para la Reforma Institucional y Fortalecimiento de la Democracia (SRIFD) as the applicative authority for implementing, monitoring, and overseeing of the gestion de intereses aspect of Decree 1172/03

Decree 1172/03 and its Reglamento General de Acceso a la Información Pública is in force on April 22, 2004. – The Anticorruption Office no longer holds jurisdiction in the application of the law, as the Subsecretaria para la Reforma Institucional y Fortalecimiento de la Democracia de la Jefatura de Gabinete de Ministros (SRIFD) is the designated authority for the program.

Not submitted to Congress, Suspended - Protection of Whistleblowers, Informants, and Witnesses of Acts of Corruption Act

<table>
<thead>
<tr>
<th>Year</th>
<th>Progress Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>Formal draft for Reforma de la Ley de Inteligencia developed by the Anti-Corruption Office– final draft of the legislative proposal complete and sent in November to Office of the Minister of Justice and Human Rights</td>
</tr>
<tr>
<td>2006</td>
<td>no activities or proposals</td>
</tr>
<tr>
<td>2007</td>
<td>no activities or proposals</td>
</tr>
<tr>
<td>2008</td>
<td>Draft - Regulation of Gifts to Public Officials</td>
</tr>
<tr>
<td>2009-2013</td>
<td>Updating the draft - Protection of Whistleblowers, Informants, and Witnesses of Acts of Corruption Act (originally developed in 2003, and OA attempted to re-invigorate debate and action on the plan)</td>
</tr>
<tr>
<td>2009-2013</td>
<td>no activities or proposals</td>
</tr>
</tbody>
</table>

*Source: Adapted from the Anti-Corruption Office’s annual reports (Informe anual de gestion), 2000-2013*
## Appendix C

### Timeline for Cooperation and Technical Assistance Agreements by the Anti-Corruption Office (2000-2013)

<table>
<thead>
<tr>
<th>Year</th>
<th>Listing of Inter-Governmental Cooperation and Technical Assistance Agreements and Project Developments</th>
</tr>
</thead>
</table>
| 2000 | Cooperation agreement reached with the Ministry of Health for the implementation of *Audencias Públicas*  
Planning Stage - developing the Transparency Plan for Customs Administration (*Plan de Transparencia en la Aduana*)  
Planning Stage - developing a transparency plan for the National Retired and Pensioners Social Services Institute (*PAMI*) |
| 2001 | Cooperation agreement reached between the United Nations Development Program (PNUD) and the Ministry of Foreign Affairs, International Trade and Worship (*Ministerio de Relaciones Exteriores, Comercio Internacional y Culto*)  
Cooperation agreement signed with the Ministry of Labor, Employment, and Human Resources: objective of designing, developing, and implementing programs of cooperation, technical assistance, and related trainings for increasing transparency in the management of the Undersecretary of Labor Relations (*Subsecretaría de Relaciones Laborales*)  
Transparency Plan effectuated for Customs Administration and project underway for designing transparency mechanisms that would increase the organisms’ efficiency in performing its daily functions  
Collaboration project initiated with the Secretariat for Industry: aim to increase transparent conditions in incentive systems for capital and goods production  
Project with General Office of Taxes’ Deputy Comptroller: transparency plan to detect errors or regulatory failures, and potential opportunities for corruption |
| 2002 | Collaboration project with General Secretary of Industry (Secretaría de Industria) ongoing - verifying information gaps, diagnostic testing, and developing action plan for transparency mechanisms for financing of private sector entities/projects  
Pilot Testing/Study – Mechanism for inter-institutional cooperation in information exchange-preparation in starting the implementation with three selected organisms of the national public administration (listed below)  
*SICRUFUP (Sistema de Información Cruzada de Funcionarios Públicos)* System of Cross-Information on Public Officials; This is delayed/incomplete because of funding issues with all lines of credit being suspended (economic crisis of 2001-2002)  
Project with AFIP: fusion of data for detecting irregularities in patrimonial declarations of public officials submitted to the Anti-Corruption Office - noted as partially complete  
Collaboration with Government social programs: FOPAR and Programa Jefas y Jefes de Hogar |
| 2003 | Cooperation agreement with Province of Buenos Aires’ Secretary of State Modernization: to provide technical assistance in implementing income and asset declarations system for public officials  
Cooperation agreement with Province of Corrientes, (no program designed yet)  
Cooperation agreement with Province of Mendoza, for the provincial government, local university, and civil society; developing a study/report of the actual situation of transparency/corruption in the province  
Cooperation agreement with Province of Chubut: in diagnostics phase and contracting of experts to conduct study |
<table>
<thead>
<tr>
<th>Year</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>No new cooperation programs or updates on previously-established agreements/programs developed</td>
</tr>
<tr>
<td>2005</td>
<td>Cooperation Agreement with the Ministry of Security of the Government of the Autonomous City Buenos Aires</td>
</tr>
</tbody>
</table>
| **Plan Provincias** | is developed and in place  
Cooperation agreement reached with the Province of Entre Ríos. Participation of the Anti-Corruption Office in local seminar regarding Access to Public Information in the province - also helped to develop diagnostic study on transparency conditions and anti-corruption efforts in place  
Technical assistance program in place for province of Mendoza, as per the previous cooperation agreement signed, for developing local legislation for Access to Public Information |
| 2006 | Cooperation agreement reached with the Office of Internal Affairs of the Provincial Police in Santa Fe  
Collaborated in local transparency and anti-corruption seminar in Entre Ríos, and helped to develop a proposed local plan of action for transparency policies  
Cooperation and technical assistance agreement with Municipality of the City of Córdoba, which included a local seminar training on procurement as well as a local diagnostic report |
| 2007 | **COOPERATION AGREEMENT WITH INCAA - SHORT FILM COMPETITION**  
Cooperation agreement signed with Ministry of Defense  
Cooperation Agreement signed with Ministry of Economy and Production for the creation of a National Commission for Protection of Competition  
Cooperation agreement signed with City Council of San Nicolás de los Arroyos, Province of Buenos Aires - a Policy Seminar on Transparency and Anti-Corruption |
| 2008 | Ministry of Defense cooperation agreement - various trainings took place in 2008 with the procurement area officials in the Navy, Air Force, and Army of the Argentine military.  
Cooperation agreement signed with the National Administration of Drugs, Food and Medical Technology (ANMAT)  
Cooperation agreement signed with Collection Agency of the Province of Buenos Aires (ARBA)  
**Plan Provincias**  
Municipality of Cordoba  
Seminar conducted in Municipality of Cordoba, which discussed the results of the previous diagnostic test of the municipality government  
Participation of Anti-Corruption Office in national research forum with regional Offices of Administrative Investigations Prosecutor and Anti-Corruption Offices  
Province of Santa Fe – Provincial Anti-Corruption and Transparency Office– cooperation agreement underway, organizing future seminars |
| 2009 | No new cooperation programs or updates on previously-established agreements/programs |
| 2010 | **Plan Provincias**  
Cooperation agreement signed with Province of Tierra Del Fuego, Antártida e Islas del Atlántico Sur  
Province of Santa Fe - Anti-Corruption Office participates in Seminar: “Publication and Privacy of Public Administrative Information”  
**New cooperation and technical assistance initiative: Cooperation programs with the private sector** |
- new aspect implemented by the Anti-Corruption Office in compliance with aims of UN international convention against corruption
  - OA begins to develop institutional links with private sector representatives and organizations – participation in seven conferences/forums

<table>
<thead>
<tr>
<th>Year</th>
<th>Plan Provincias</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td><strong>Cooperation and technical assistance agreement with Province of Santa Fe</strong>&lt;br&gt;Office of the Public Prosecutor of Administrative Affairs in La Pampa Province – cooperation and technical assistance activities – trainings conducted for application, reception and control of income and asset declarations&lt;br&gt;Invitation to participate in “Quality, Transparency and Equity to strengthen the rule of law” Assembly in Chaco&lt;br&gt;Cooperation and technical assistance agreement with the Collection Agency of the Province of Buenos Aires (ARBA- Agencia de Recaudación)**&lt;br&gt;<strong>Cooperation programs with private sector</strong>&lt;br&gt;OA developed report “Updating the Guidelines for Multinational Enterprises “&lt;br&gt;Participated in 14 forums/events for collaboration with private sector organizations</td>
</tr>
</tbody>
</table>

| 2012 | Cooperation agreement with the Ministry of National Security (newly created agency in 2010), for technical assistance and trainings in public administration management transparency and control mechanisms|

| 2013 | **Cooperation with private sector**<br>Cooperation and technical assistance agreement with the Argentine Confederation of Medium Enterprises (CAME)<br>OA participates in five events/conferences with private sector organizations to present their technical expertise and share experiences/information**<br>**Plan Provincias**<br>No new cooperation programs reached or in development<br>Participation in three events/forums in subnational regions discussing Transparency and anti-corruption themes|

*Source: Adapted from the Anti-Corruption Office’s annual reports (*Informe anual de gestión*), 2000-2013*
## Appendix D

### Political Affiliations of Sub-National Governments During Cooperation Agreements

<table>
<thead>
<tr>
<th>Province</th>
<th>Year of Cooperation Agreement</th>
<th>Governor</th>
<th>Political Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corrientes</td>
<td>2003</td>
<td>Ricardo Colombi</td>
<td>UCR (Kirchner-supported)</td>
</tr>
<tr>
<td>Mendoza</td>
<td>2003</td>
<td>Julio Cobors</td>
<td>Justicialist Party (Pro-government)</td>
</tr>
<tr>
<td>Chubut</td>
<td>2003</td>
<td>Mario Vargas</td>
<td>Justicialist Party (Pro-government)</td>
</tr>
<tr>
<td>Entre Rios</td>
<td>2005</td>
<td>Jorge Pedro Busti</td>
<td>Justicialist Party (Pro-government)</td>
</tr>
<tr>
<td>Santa Fe</td>
<td>2011</td>
<td>Hermes Juan Binner</td>
<td>Socialist Party (not pro-government)</td>
</tr>
<tr>
<td>Tierra del Fuego, Antartida</td>
<td>2010</td>
<td>Fabiana Rios</td>
<td>ARI (not pro-government)</td>
</tr>
<tr>
<td>City of Cordoba</td>
<td>2006</td>
<td>Luis Juez (mayor)</td>
<td>Justicialist Party (Pro-government)</td>
</tr>
<tr>
<td>Office of the Public Prosecutor of Administrative Affairs in La Pampa Province</td>
<td>2011</td>
<td>Oscar Jorge</td>
<td>Justicialist Party (Pro-government)</td>
</tr>
<tr>
<td>Collection Agency of the Province of Buenos Aires (ARBA- Agencia de Recaudación)</td>
<td>2011</td>
<td>Daniel Scioli</td>
<td>Justicialist Party (Pro-government)</td>
</tr>
<tr>
<td>City Council of San Nicolas de los Arroyos, Province of Buenos Aires</td>
<td>2011</td>
<td>Daniel Scioli</td>
<td>Justicialist Party (Pro-government)</td>
</tr>
</tbody>
</table>
## Appendix E

### Statistical Weighing of Variables for Policies by Anti-Corruption Office

<table>
<thead>
<tr>
<th>VARIABLE</th>
<th>DIMENSION</th>
<th>VARIABLE VALUE</th>
<th>WEIGHING OF PUBLIC POLICY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Policy 1: POWER OF REPORTING</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fulfillment of International Standards</td>
<td>Dedicated law or explicit program</td>
<td>VV= High Level of Compliance (2)</td>
<td>Weighing: 1.833 Fully-developed</td>
</tr>
<tr>
<td>Consistency of Application</td>
<td>Duration: Value: 2 (High) Stability: Value: 2 (High) Strength: Value: 1 (High)</td>
<td>VV= 1.667 (High)</td>
<td></td>
</tr>
<tr>
<td><strong>Policy 2: INCOME AND ASSET DECLARATION SYSTEM</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fulfillment of International Standards</td>
<td>Dedicated law or explicit program</td>
<td>VV= High Level of Compliance (2)</td>
<td>Weighing: 1.833 Fully-developed</td>
</tr>
<tr>
<td>Consistency of Application</td>
<td>Duration: Value: 2 (High) Stability: Value: 2 (High) Strength: Value: 1 (High)</td>
<td>VV= 1.667 (High)</td>
<td></td>
</tr>
<tr>
<td><strong>Policy 3: POWER OF INVESTIGATIONS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fulfillment of International Standards</td>
<td>Dedicated law or explicit program</td>
<td>VV= High Level of Compliance (2)</td>
<td>Weighing: 1.833 Fully-developed</td>
</tr>
<tr>
<td>Consistency of Application</td>
<td>Duration: Value: 2 (High) Stability: Value: 2 (High) Strength: Value: 1 (High)</td>
<td>VV= 1.667 (High)</td>
<td></td>
</tr>
<tr>
<td><strong>Policy 4: CIVIL SOCIETY PARTICIPATION PROGRAMS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fulfillment of International Standards</td>
<td>Dedicated program only partially covers the requirements of the Convention</td>
<td>VV= Medium Level of Compliance (1)</td>
<td>Weighing: 0.67 Partly-developed</td>
</tr>
<tr>
<td>Consistency of Application</td>
<td>Duration: Value: 1 (Medium) Stability: Value: 0 (Low) Strength: Value: 0 (Low)</td>
<td>VV= 0.33 (Low)</td>
<td></td>
</tr>
<tr>
<td><strong>Policy 5: FREEDOM OF INFORMATION LAW</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fulfillment of International Standards</td>
<td>Measures comply with some Convention requirements via presidential decree, but have not been formalized through a dedicated law</td>
<td>VV= Medium Level of Compliance (1)</td>
<td>Weighing: 0.67 Partly-developed</td>
</tr>
<tr>
<td>Consistency of Application</td>
<td>Duration: Value: 1 (Medium) Stability: Value: 0 (Low) Strength: Value: 0 (Low)</td>
<td>VV= 0.33 (Low)</td>
<td></td>
</tr>
<tr>
<td><strong>Policy 6: WHISTLEBLOWER PROTECTION LAW</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fulfillment of International Standards</td>
<td>Absence of any implementation of the Convention’s requirements via dedicated law or partial legal provisions</td>
<td>VV= Low Level of Compliance (0)</td>
<td>Weighing: 0.167 Nascent</td>
</tr>
<tr>
<td>Consistency of Application</td>
<td>Duration: Value: 0 (Low) Stability: Value: 1 (Medium) Strength: Value: 0 (Low)</td>
<td>VV= 0.33 (Low)</td>
<td></td>
</tr>
<tr>
<td>Policy 7: LOBBYIST REGULATION</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Fulfillment of International Standards</strong></td>
<td>Measures comply with some Convention requirements via presidential decree, but have not been formalized through a dedicated law</td>
<td>VV= Medium Level of Compliance (1)</td>
<td>Weighing: 0.67 Partially-developed</td>
</tr>
</tbody>
</table>
| **Consistency of Application** | Duration: Value: 0 (Low)  
Stability: Value: 1 (Medium)  
Strength: Value: 0 (Low) | VV= 0.33 (Low) |  |

<table>
<thead>
<tr>
<th>Policy 8: COOPERATION AND TECHNICAL ASSISTANCE AGREEMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fulfillment of International Standards</strong></td>
</tr>
</tbody>
</table>
| **Consistency of Application** | Duration: Value: 2 (High)  
Stability: Value: 1 (Medium)  
Strength: Value: 1 (High) | VV= 1.33 |  |
Bibliography


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