Short Session Report

Session Title: The fight against corruption as a threat to democracy
Date & Time: Tuesday, October 23 • 8:30am - 10:00am
Report prepared by: Guilherme Siqueira de Carvalho, Research Collaborator, Transparency International Deutschland e.V.

Experts:

Mike Davis, Director of Campaigns, Planning & Evaluation, Global Witness
Pablo Secchi, Executive Director, Fundación Poder Ciudadano
Bruno Reis, Professor, Universidade Federal de Minas Gerais

Moderated by: Matthew Stephenson Professor, Harvard University Law School
Session coordinated by: Ana Luiza Aranha, Research Collaborator, Transparência Internacional Brasil

Main issues raised in kick off remarks. What’s the focus of the session?

Behind the session’s provocative title – “The fight against corruption as a threat to democracy” – is the question: is it possible that anti-corruption efforts (investigations or campaigns) end up damaging democracy? If so, what are the implications of that conclusion for people engaged in the
The three panellists approached the problem from different angles.

Bruno Reis argued that the fight against corruption must be *sustainable*, which can only happen in a democratic context. For that reason, the strategies developed to fight corruption must be careful not to erode those very democratic institutions it intends to protect and which are necessary for any effective web of accountability. It’s particularly important not to turn the efforts against corruption in a crusade against the party system, since political parties (whatever their deficiencies might be) are irreplaceable actors in representative democracies, acting as brokers among private interests and political decisions. Curbing down corruption is always, necessarily, a slow process, that goes hand in hand with stronger institutions.

Pablo Secchi discussed some of the implications of the Lava Jato and other corruption scandals in Brazil and in Latin America. According to the panellist, it’s true that such scandals can have great consequences to the political system, eventually leading, in extreme cases, to its breakdown. However, it’s important to stress that such consequence is not a responsibility of the anti-corruption movement, but of those who were in charge of the system. In a metaphor, you should blame the disease and not the remedy. So it’s important not to frame the question as a choice between dictators or corrupt.

Mike Davis, on its turn, started by agreeing with the fact that the anti-corruption efforts can, in extreme cases, bring unexpected results that can be seen as a threat to democracy. The panellist argued, however, that such a claim must be seen with caution and should not be taken as the rule. Corruption itself, it must be remembered, is often a threat to democracy and the number of countries where the fight against corruption backfires is arguably much smaller than those where corruption is itself a great obstacle to the guarantee of democracy and of human rights. Therefore, the fight against corruption in most cases enables democracy, and doesn’t threaten them. Based on these observations, the panellist points out two main risks:

(i) By ignoring the possible unintended consequences of anti-corruption efforts, it’s possible that such efforts end up contributing to political instability and to the weakening of democratic institutions; on the other hand,
(ii) If what is happening in Brazil is extrapolated acratically to other contexts, where such a risk doesn’t exist or is very low, it might end up paralyzing and undermining anti-corruption efforts that would be necessary to promote and defend democratic institutions.

What initiatives have been showcased? Briefly describe the Game Changing strategies/ ideas (if applicable)

The panel did not focus on concrete initiatives.

Briefly describe the highlights including the thematically interesting questions and ideas that were generated from the discussion or from the floor, and session quotes.

The discussion brought interesting questions:

- If it’s true that corruption investigations can cause unintended damages to the institutions, what should be the attitude of prosecutors and law enforcement agents in countries with systemic corruption?
- What implications does that debate have to the anti-corruption rhetoric? Often, in order to mobilize people, organisations choose a tough rhetoric that highlights the negative aspects of the system in place. Could that be harmful in the long run? Is there a trade-off between mobilizing people and preserving institutions?
  - This question generated further discussion among the audience, with some people pointing out that the rhetoric must be more nuanced, allowing for differentiation between the many political actors, while others called for a more uniform and simpler message from the anti-corruption movement.
  - Another related question is the appropriation of anti-corruption narratives by populist or authoritarian groups. Can anything be done about that? Does anyone “own” the
anti-corruption agenda? Some countries might use the anti-corruption agenda to get persecute political opponents and to get a stronger grip on power.

- Many people stressed the importance of connecting the anti-corruption agenda with other topics, particularly with democracy and human rights. On the one hand, that would mean demonstrating how corruption undermines those values and the great harm that it causes (often invisibly); on the other hand, it would mean reaffirming that the fight against corruption depends on the promotion of other values such as freedom of press and of expression, civil rights and so on.

- What should be the posture and attitude of anti-corruption organisations in the moment of transition, of change (usually following big corruption investigations or changes in regime)? Is it possible to channel energy into positive, productive change?

What are the key recommendations, follow-up Actions (200 words narrative form)

The panel raised more questions than concrete recommendations. It was stressed multiple times, however, how the relation between anti-corruption efforts and populism (or even more radical forms of authoritarianism) must be better investigated and understood. Among other questions, it must be answered:

- Under which conditions is it possible that the fight against corruption end up harming democratic institutions?
- What is the responsibility, if any, of anti-corruption organisations in those scenarios? And what are the responsibilities of other players (academia, law enforcement, political organisations, etc.)
- How to reduce unintended consequences of the fight against corruption without paralyzing anti-corruption efforts or reducing its intensity?
- How to promote fight against corruption in countries with systemic corruption without fostering cynicism and distrust among citizens in relation to political and democratic institutions?
Key Insights that could be included in the IACC Declaration

Although many brave individuals and organisations actively fight against corruption in autocratic regimes, a sustainable fight against corruption is only possible in association with democratic institutions and the protection of civil rights; therefore, the anti-corruption agenda should emphasize the necessary connection between integrity and democratic values. In other words, individuals or groups that suggest non-democratic solutions to corruption (e.g. investigations that do not respect fundamental rights) should not be seen as truly committed to the fight against corruption.

23.10.2018 - Guilherme Siqueira de Carvalho

This Short Report needs to be submitted within 2 hours after the session.