

CORRUPTION AND HUMAN RIGHTS IN INTERNATIONAL SOCIETY: ANALYSIS BEFORE COVID 19 PANDEMIC

Maria Esther Martínez Quinteiro¹

Abstract

The UN, which has among its missions the fight against corruption, founded on July 14, 1997, the *United Nations Office on Drugs and Crime* (UNODC), whose main goal is to fight drugs and the multiple manifestations of transactional organized crime, corruption and the prevention of terrorism. Six years later, the UN General Assembly adopted (Resolution 58/4. 2003) its first legally binding instrument to fight this scourge: *the United Nations Convention against Corruption*, which entered into force in December 2005. Its development was entrusted to experts and *ad hoc* working groups, supervising and monitoring its implementation at the biennial intergovernmental *Conference of the States Parties*. Given the frequent transactional dimension of corruption and the no less frequent impunity of local corruption where officials lack international controls, the initiative seems necessary and plausible. Unfortunately, the effectiveness of this mechanism is relative, and its reliability low given that the UN itself, its officials, its civil

¹ Professor María Esther Martínez Quinteiro, who has been a professor at the University of Salamanca (USAL) since 1971, held the position of Tenured Professor of Contemporary History there from 1978 to 2016. She was accredited by ANECA for access to the professorship in Social and Legal Sciences in 2012. She retired from USAL due to statutory age reasons in 2016 but continued to collaborate with the university between 2017 and 2023 as the Academic Director of the *Postdoctoral Program in Human Rights* at the Center for Brazilian Studies (CEBUSAL). She has also been a member of the *International Seminar* (permanent) *on Contemporary History of Human Rights* (SIHCDH/USAL) since 2016 and a member of the *Recognized Research Group (GIR) on the History of Human Rights* (HDH). In Portugal, she is integrated as a researcher at the *Center for Population, Economics, and Society Studies* (CEPESE/Porto). Additionally, she holds the position of Full Professor in the Department of Law at the University Portucalense de Porto (UPT) and is a member of its *Portucalense Juridical Institute* (IJP/UPT), where she directs the ongoing *Interdisciplinary Postdoctoral Program in Human Rights*. She currently also holds the position of Human Rights Professor at the *Faculdade Instituto Universitário Rio de Janeiro* (FIURJ) in Brazil, collaborates with the *Universidade Salvador do Estado de Bahia* (UNIFACS), and is a *Leitora da Cátedra Unesco de Juventude, Educação e Sociedade* at UCB, Brasília. She has been awarded an Honorary Doctorate in Law by the Faculdade de Damas (Recife), an Honorary Doctorate by the Faculty of Law at the Federal University of Mato Grosso do Sul, and an Honorary Doctorate in "Distance Education and Instructional Technology" by the National Open and Distance University of Colombia.

society partners and even some self-proclaimed “guardian” organizations are part of the corruption they claim to pursue. This results in the erosion of Human Rights.

Keywords

UN. Corruption. Human Rights

The definition of corruption is not univocal, as highlighted by Óscar Capdeferro Villagrasa, who points out that not even international organizations agree on its delimitation². In the same vein, Dr Pedro Garrido³ opted for the concept used by the UNODC, which is extensive regarding the multiple manifestations that this crime⁴ can encompass.

The connection between human rights and corruption may not have been seen clearly in the past, but it has been addressed from many perspectives and recently, it has generated abundant literature⁵ which has shed light on the multiple interdependencies between the eradication or fight against corruption and the implementation of human rights. Javier García Espinar notes that, at the very least, corruption is an assault on the right to equality before the law⁶, but the issue is somewhat more

² CAPDEFERRO VILLAGRASA 2018, 114-147.

³ See, in near future: GARRIDO RODRÍGUEZ, Pedro. “Mecanismos contra la corrupción y para la eficacia al efecto de la cooperación internacional y ayuda oficial al desarrollo: el caso español” (Mechanisms against corruption and for the effectiveness of international cooperation and official development assistance: the Spanish case), in the publication. Not yet published.

⁵ See, for instance, INTERNATIONAL COUNCIL OF HUMAN RIGHTS POLICY (ICHRP) 2009. CARDONA; ORTÍZ; VÁZQUEZ VALENCIA 2018. VÁZQUEZ VALENCIA; CARDONA; ORTIZ 2018, 317-341.

⁶ According to GARCÍA ESPINAR 2019: “The phenomenon of corruption (whether in the form of influence peddling or obtaining illicit favors in exchange for money or other favors) constitutes a violation of human rights as it generally entails a breach of the right to equality before the law, and on occasion, it even constitutes a violation of democratic principles, leading to the substitution of the public interest for the private interest of those engaged in corruption.” Cited in DerechosHumanos.net Tools for the Defense and

complex, so we are dealing with a snake that bites its tail. In 2018, the Chilean lawyer Magdalena Sepúlveda Carmona⁷, then Director of Research at the International Council on Human Rights Policy (ICHRP) and United Nations Special Rapporteur on Extreme Poverty and Human Rights between 2008 and 2014, recalled that if corruption damages human rights, the assertion of human rights is an effective tool in the fight against corruption. The same idea is underlined by multiple organizations and officials in the service of regional systems for the defense of human rights. Some examples are those created by the OAS and by the organizations and officials of the UN itself, who have been stressing this statement since the beginning of the 21st century.

Although the supervision of the national implementation of Human Rights and the fight against corruption require legislative, judicial and preventive or punitive state actions, international action and supervision remain essential concerning Human Rights because of their very origin and universal nature. Also, concerning corruption, because of the transnational implications that this phenomenon often includes, and because when this scourge is installed in the Public Administration itself, as Héctor E. Schamis pointed out in 2017, it is “unlikely that a state that implements a deliberate policy of abuse will judge itself”⁸. To avoid impunity for corrupt politicians and officials with local influence and power who take shelter in national sovereignty to hide their dirty laundry and to avoid being constrained or punished,

Promotion of Human Rights, available at
<https://www.derechoshumanos.net/corrupcion/corrupcion-ddhh.htm> (Accessed on 3/05/2019).
 See also The Fight Against Corruption
<https://www.derechoshumanos.net/corrupcion/1-corrupcion.htm> (Accessed on 3/05/2019).

⁷ SEPÚLVEDA CARMONA 2018.

⁸ “The Analysis: Human Rights and Corruption. Supranational Solutions for Both Spheres” *El País*. Available at:
https://elpais.com/internacional/2017/10/08/america/1507430823_365993.html
 (Accessed on 1/05/2019).

an external organisation beyond their control is needed. Due to the solemnity of its impact, it does not seem like an issue that can be postponed or set aside.

Since his arrival as UN secretary-general on 1 January 2017, the Portuguese Antonio Guterres has emphasized the deploring and qualitative nature of corruption in his discourse multiple times in front of various notable institutions:

*“Corruption - he reiterated on 7 December 2018 - exists in all countries, either rich or poor, North and South. It is an assault on the values of the United Nations. **It deprives societies of schools, hospitals and other vital services**, drives away foreign investment and denies countries their natural resources. It undermines the rule of law and incites crimes such as human trafficking, drug-trafficking and the sale of weapons.*

*Every year, \$1 billion is paid in bribes, **and an estimated \$2.6 billion is swiped annually through corruption**. This sum equals more than 5% of the world's gross domestic product. According to the United Nations Development Programme, ten times the amount of money spent on official development assistance is lost to corruption in developing countries.”⁹*

Although the UN is not the only international organization capable to fight corruption, neither the only one that de facto assumes this mission or the first to develop legal instruments to combat it, due to its universal

⁹ COMPROMISO EMPRESARIAL. “La ONU estima que la corrupción equivale al 5% del PIB global” (The UN Estimates Corruption to Be Equivalent to 5% of Global GDP) in *Compromiso Empresarial*, December 7, 2018. Available at: <https://www.compromisoempresarial.com/transparencia/2018/12/la-onu-estima-que-la-corrupcion-equivale-al-5-del-pib-global/> (Accessed on 4/05/2019).

dimension, the United Nations is significantly required to fight¹⁰ the severe practices corruption entails. Furthermore, the organization should guarantee what seems to be its best achievement: the universal normative or indicative discourse on Human Rights. However, the reliability of the NU and its ability to fight against corruption is undermined by a track record that is not promising in building the confidence of the world's citizens in the organization. In the same way, the objective difficulties experienced by the organization in fighting corruption through their resources can be considered another source of unreliability.

¹⁰ “On March 29, 1996, the first international legal instrument in the fight against corruption was opened in Caracas: *The Inter-American Convention Against Corruption* which, as noted by the NGO Transparency International, serves as a model for other anti-corruption agreements, such as *the African Union Convention on Preventing and Combating Corruption* (adopted in Maputo on 11/07/2003). View at: https://www.transparency.org/news/feature/la_convencion_interamericana_contra_la_corupcion_de_la_organizacion_de_est (Accessed on 28/04/2019). The functionality of the *Inter-American Convention* is the main topic of analysis in UNODC’S publicación *Hacia una Primera Reflexión sobre Políticas Anticorrupción: Algunos Insumos para la Implementación de la Convención de las Naciones Unidas contra la Corrupción desde la experiencia de América Latina* (Towards an Initial Reflection on Anti-Corruption Policies: Some Inputs for the Implementation of the United Nations Convention against Corruption from the Experience of Latin America), Regional Office for Latin America and the Caribbean, Panama/Regional Office for Latin America and the Caribbean/ Democratic Governance Practice Area, UNODC Regional Office for Central America and the Caribbean in Panama (ROPAN), 2013. On its part, the Organization for Economic Co-operation and Development (OECD) approved the “*Convention on Combating Bribery of Foreign Public Officials in International Business Transactions*” in 1997. In 1999, the Council of Europe approved two regional Conventions: the “*Criminal Law Convention on Corruption*”, n°. 173, published in Strasbourg on January 27 of that year, and the “*Civil Law Convention on Corruption*”, n°174, published in Strasbourg on November 4, 1999. The EU, in addition to participating in various international instruments aimed at combating corruption and implementing various measures of its own, has approved several Conventions related to this subject, with the most significant being the *Convention on the Fight against Corruption Involving Officials of the European Communities or Member States of the European Union*, dated May 26, 1997.

Acknowledging the seriousness of the corruption problem, as we have seen, Antonio Guterres assures us that *the role of the United Nations is crucial in tackling corruption*¹¹. However, it is unclear how he expects the UN to fulfil its role since the strategy could hardly be presumed to involve promoting new legal instruments to combat such execrable practices. On 5 May 2018, the UN Secretary-General asked the international community to reflect on how to work towards the return of stolen assets and to establish effective and transparent institutions (a call for help). Six months later, he reaffirmed that “one of the main tools” to make progress in the fight against corruption was the still-young *United Nations Convention against Corruption*, established by the UN Assembly Resolution of 31 October 2003. The multilateral treaty achieved a remarkable number of ratifications, 186 in 2018. However, it has been criticized for focusing on the political corruption of officials and not requiring States Parties to criminalize corruption in the private sector, as well as for the weakness of the tools articulated to ensure its compliance¹². This weakness is witnessed in the case of the intergovernmental *Conference of the States Parties* that meets every two years and requires (Chapter VII, Art. 63): “*information on their programmes, plans and practices, as well as on legislative and administrative measures taken to implement the Convention*”.

Similarly, not without a certain triumphalism, Yuri Fedotov, executive director of the United Nations Office on Drugs and Crime, underlined as an achievement¹³ the articulation of a global artefact created to criminalize corruption, recover stolen proceeds and return them - something that according to him was hard to believe 15 years earlier. Yuri Fedotov added: “*Now almost all countries in the world have*

¹¹ UN. “La corrupción la sufren los que menos pueden permitírsela” (Corruption is suffered by those who can least afford it) in *Noticias ONU*, available at <https://news.un.org/es/story/2018/05/1434332> (accessed on 4/05/2019).

¹² CAPDEFERRO VILLAGRASA 2018, 122.

¹³ The same as in note 12.

corruption violations in their regulations. They cooperate and provide mutual legal assistance”. Although the strictly demonstrable cause-and-effect relationship suggested in general terms between the mentioned normative development and the entry into force of the UN *Convention against Corruption* might not be established, and the existence of previous regional instruments could be forgotten, it could be assumed that the Convention's requirement for State parties to introduce into their legal systems criminal classifications not only for the basic forms of corruption, such as bribery or diversion of public resources, but also for acts that could contribute to corruption, such as obstruction of justice, influence peddling, and money laundering of corruption-derived resources, would have undoubtedly contributed to such development. The criminalization of corruption - if it follows the UNODC's instructions - should establish mechanisms that allow the criminal justice system to arrest, prosecute, punish and provide reparations to victims. States Parties would be required to criminalize bribery of public officials, active corruption of foreign public officials, fraud and misappropriation, money laundering and obstruction of justice. To the extent possible, they should also criminalize passive corruption of foreign public officials, trading in influence, abuse of power, illicit enrichment, bribery in the private¹⁴ sector and diversion of private sector resources. However, Yuri Fedotov found a few remarkable examples to highlight in recalling “notable” successes derived from the UN Convention. He focused on those achieved through the joint work of the Conference of the States Parties to the Convention and its Working Group on Asset Recovery, as well as the

¹⁴ Almost a literal transcription of a fragment from the article “Convenção das Nações Unidas contra a Corrupção” (United Nations Convention against Corruption) published by UNODC at <https://www.unodc.org/lpo-brazil/pt/corruptcao/convencao.html> (consulted on 5/05/2019)

joint initiative articulated for the same purpose by the UNODC and the World Bank:

During 2017 - recalled Yuri Fedotov - Switzerland returned 3.5 million euros to Tunisia and signed an agreement with the Nigerian government to return 321 million dollars.

Something to celebrate, of course, but ultimately a drop in the ocean.

In fact, while the UN, and especially Antonio Guterres, was quick to offer training and the export of good practices in the fight against corruption to the states that required them, it seemed to rely, even more than on direct UN action, on activating action plans that would transfer the final responsibility for it to the national institutions of the states-parties called upon to collaborate voluntarily. In this way, he pays tribute to the usefulness of an initiative of his predecessor Ban Ki Moon, the driving force behind the *2030 Agenda*, which sets the 17 *Sustainable Development Goals* (2015-2030) along the same proactive path as the *Millennium Development Goals*, launched in 2000 by Kofi Annan.

The *2030 Agenda* states in its Goal 16 that to achieve peaceful and inclusive societies for sustainable development, the following processes are needed:

- A. Building efficient and transparent institutions.
- B. Reducing bribery and corruption.
- C. Returning assets stolen by the corrupt.

Succinctly, Antonio Guterres has so far failed to innovate in his admittedly still short management experience in the fight against corruption. He limits himself to pinning his hopes for curbing this scourge on strategies and instruments that emerged directly - or indirectly (such as the *2030 Agenda*) - at the beginning of the 21st century. It is true that he has not had time to introduce changes and

that, as we have noted, the instruments established have obtained the growing commitment of most of the UN States (the Convention has been ratified, as of 2019, by 186 countries, and the Sustainable Development Goals by the 193 UN member states). Also, today there is a significant development of regional or local anti-corruption regulations. Nevertheless, this has not eradicated corruption, not even within the UN itself. Moreover, because of their mimicry, Antonio Guterres' latest gestures and speeches inevitably take us back to the instruments, lines of action, strategies and even speeches against corruption articulated by the recently deceased Kofi Annan, the seventh UN Secretary-General between 1997 and 2006, whose initial reliability was eventually greatly diminished by malpractice.

Kofi Annan's term (1997-2006) had indeed been accompanied by an anti-corruption discourse that once raised great hopes, as he seemed to arrive at the UN Secretariat General willing to reform it and ensure its transparency. Let us remember that it was Kofi Annan himself who launched both the *Millennium Development Goals* (the immediate predecessor of the 2030 Agenda), which were partially successful, and the *Convention Against Corruption*, which, for the moment, has been a failure, at least if we measure it in terms of its capacity to prevent corruption, not only outside the UN but even within it. The Ghanaian diplomat's secretariat, imaginative, seductive and brilliant, yet controversial, was overshadowed by the outbreak of serious scandals, the best known, but not the only one, being the development of the *Oil-for-Food-Programme* in Iraq. It was created in 1995 and implemented between 1996 and 1997 and lasted until 2003. The programme, as is well known, allowed Iraq, heavily sanctioned for the war against Kuwait, to sell oil under specific rules to pay reparations owed to Kuwait and the expenses of the UN coalition forces and to purchase food, medicine and humanitarian supplies. The primary stated purpose of the programme was to relieve hunger among the civilian population. However, this initially welcome initiative developed fraudulent dealings with supply companies, diversion of resources for political purposes,

influence peddling and kickbacks by officials involved in the operation. The accusation of corruption affected numerous UN officials and almost half of the supply companies (4,500) for bribing or paying undue overcharges for oil. Nobody escaped suspicion, neither the civil society invited to collaborate with the UN to eliminate corruption, the companies called upon to do business presumed to be clean with the UN, nor the UN agencies (NGOs) themselves, which in their respective fields often acted to promote or protect their interests under the guise of humanitarian action. In the end, despite the controls in place, Saddam Hussein himself was able to take advantage of the Plan to obtain foreign currency and strengthen his dictatorship, which was certainly not foreseen. For Kofi Annan and the UN, the most severe aspect, apart from the lack of control that should at the very least have been presumed, was the involvement of the Secretary-General's son, Kojo Annan, who until 2004 received \$2,500 a month as an employee of the Swiss company Cotecna Inspection Services, a company in charge of supervising the contracts for the export of Iraqi oil that he was entrusted. Through a prolonged process, Kojo was investigated by a Commission set up *ad hoc* which revealed that Cotecna, after having been informed of competitors' bids, improved their own offers and, having unfairly obtained the contract, later requested and obtained the upward revision of the costs. Kofi Annan, who initially defended his son's innocence, claimed to be unaware of his malpractices when the Commission, which exonerated him, exposed them.

Parallel to the investigation generated around the *Oil-for-Food Programme*, four less recalled but undoubtedly lacerating investigations were opened around one and a half hundred sexual abuses and rapes of girls and women. The process was documented with photographs and videos that left no doubt about the veracity of the accusation, including pedophilia, prostitution, and exploitation of the misery and hunger of the victims. The crime was committed by those responsible for the Peace Forces sent on Mission (MONUC) after the Second Congo War to the Democratic Republic of Congo by the United

Nations Security Council to cooperate to re-establish peace. Kofi Annan was forced to recognise that such things did happen or could happen in UN missions.¹⁵

These severe scandals were eagerly aired by the US Administration, led by President Bush, who never forgave Kofi Annan for his more than reasonable opposition to the Iraq War. Due to the scandals, Kofi Annan lost his chance for re-election (although presumably, he did not have it regardless of the corruption uncovered during his term, given the animosity of the US president), and the UN lost its credibility.

In 2015, when South Korean Ban Ki-Moon (2007-2016) was Secretary General of the UN, his anti-corruption mechanisms, celebrated today as effective in the fight against corruption by Guterres, did not prevent the scandal uncovered in the UN by the United States. The scandal involved the Antiguan diplomat and politician John Ashe, president-elect of the UN General Assembly between 2013 and 2014, when it became public knowledge that he used the influence provided by his position to favour the business dealings of Chinese businesspeople who paid him more than one million dollars in bribes. These included those attempted by Chinese billionaire builder Ng Lap Seng, who sought to profit from building a UN Conference Centre in Macau. Ashe was arrested when the corruption scheme was uncovered on 6 October 2015. Sheri Yan, CEO of the Global Sustainability Foundation, a UN partner facilitating the payments to the Antiguan diplomat, was also charged and admitted her guilt. John Ashe was found dead in his home a few days before appearing before the judge. His death was initially attributed to a heart attack and later, given his crushed neck, to an accident during weightlifting¹⁶. His decease, which

¹⁵ COELLO 2005.

¹⁶ Naciones Unidas, EFE. “La ONU confirma la muerte de expresidente de la Asamblea General John Ashe” (UN Confirms the Death of Former President of the General Assembly John Ashe), in *La Vanguardia*, June 23, 2016, available at

could have prevented a new scandal, gave rise to a wide range of speculation about the real causes of his death and the possible political implications of the corruption case¹⁷ in USA.

Although the “Ashe case” did not have the repercussions of the *Oil-for-Food* case, undoubtedly one of the best known, it was widely publicized and reported in the press in many countries, contributing to the further deterioration of the UN's image.

Nowadays, there are many allegations, sometimes well-founded and sometimes less so, of senior UN officials taking advantage of the immunity offered by their position to conduct dirty business with impunity or accusations of seeking shelter in the UN to obtain immunity. This fact implies that the UN does not correctly select and monitor its officials.

In 2013, Eric Frattini noted that *the Institute for Global Ethics* described the UN *as one of the biggest centers of corruption in the Western world* and worked hard and carefully to validate this accusation and expose the organization in detail¹⁸.

The UN's corruption extended to some of its agencies, such as UNICEF. There were also accusations of corruption in its civil society partners and the NGO observers and consultants, whose importance

<https://www.lavanguardia.com/politica/20160623/402713469967/la-onu-confirma-la-muerte-de-expresidente-de-la-asamblea-general-john-ashe.html> (Accessed on 28/04/2019).

¹⁷ Ng Lap Seng was identified in a 1998 report by the United States Senate as the source of hundreds of thousands of dollars illegally channeled to the Democratic National Committee during the Clinton administration. According to information from *ABC News*, Ng Lap Seng made a series of visits to the White House to attend events sponsored by the Democratic National Committee and was photographed with President Bill Clinton and the then First Lady Hillary Clinton. Cited in “¿La muerte de un alto cargo de la ONU ha evitado un nuevo escándalo Clinton?” (Did the Death of a UN High Official Prevent a New Scandal for Clinton?) *INFOVATICANA*, July 5, 2016.

<https://infovaticana.com/2016/07/05/misteriosa-muerte-evita-un-escandalo-en-la-campana-clinton/> (Accessed on 28/04/2019).

¹⁸ FRATTINI 2013, 17.

for the implementation of the Convention against Corruption was nevertheless recalled in 2011 by the United Nations Office on Drugs and Crime, which was making efforts at the time to mobilise these organizations.

While the BBC reported that UN employees offered women in need humanitarian aid in Syria in exchange for sex¹⁹, it was also reported that the UN ignored the sexual assault and the effects of rapes on young Haitian women committed by the “UN peacekeepers” between 2015 and 2018.²⁰ At the same time, some critics publicly accused the UN Child Protection Agency (UNICEF) of being suspected of squandering and diverting resources for the enjoyment of its managers. The organization became the subject of allegations in several countries²¹, resulting in its deputy director's dismissal in 2018 for sexual misconduct with his female colleagues²².

¹⁹ “Sexo a cambio de ayuda humanitaria en Siria” (Sex in Exchange for Humanitarian Aid in Syria) in *La Vanguardia.com*, 27/02/2018, available at <https://www.lavanguardia.com/internacional/20180227/441127940537/sexo-ayuda-humanitaria-siria.html> (Accessed on 28/04/2019).

²⁰ “La ONU se desentiende de las madres haitianas que tuvieron hijos de ‘cascos azules’, según ONG” (The UN looks away from Haitian Mothers Who Had the Children of the ‘peacekeepers’, according to NGOs) in *Europa Press Internacional*, 19/01/2019, available at <https://www.europapress.es/internacional/noticia-onu-desentiende-madres-haitianas-tuvieron-hijos-cascos-azules-ong-20190119082433.html> (Accessed on 28/04/2019).

²¹ UNICEF has faced allegations of lack of transparency and corruption in several countries, as can be seen in RIAÑO, Pedro. “Y si los corruptos tuvieran UNICEF?” (What if the Corrupt were in UNICEF?) *Madrid-Barcelona.com*, 21/07/2015, available at <https://www.madrid-barcelona.com/2015-07-17/y-si-los-corruptos-estuvieran-en-unicef> (Accessed on 29/04/2019).

²² Regarding these and other corrupt and reckless sexual behaviors within various humanitarian organizations, information can be found in “Panorama mundial ONU – UNICEF: Corrupción y abusos sexuales” (Worldwide Outlook: UN - UNICEF: Corruption and Sexual Abuse) in *Fin de Siglo*, March 11, 2018. Available at <https://findelsiglo.com/2018/03/11/onu-unicef-corrupcion-y-abusos-sexuales/> (Accessed on 29/05/2019).

It is worth noting how paradoxical it is that humanitarian NGOs such as Intermon Oxfam, which present themselves as critics of the UN and its corrupt behaviour, are affected by the same corrupt practices they denounce. This fact is confirmed by the fall into disgrace of the combative organisation after it became known that its senior officials in Haiti, where NGO staff were staying with the declared aim of helping to alleviate the misery created by the 2010 earthquake, organized gatherings with underage girls who were prostituted in the presence and participation of the local director of the organisation²³.

¿Is there any hope?

It is true that from 1996 to the present, corruption has been socially and politically less tolerated than before. In the same way, corrupt officials, although not always, not all to the same extent and depending on the country, might end up in jail, reducing the impunity that encouraged them.

The Convention against Corruption will remain weak to be effective due to the lack of sufficiently guaranteeing mechanisms, but national and international regulation, beyond their punitive function, also have an important pedagogical function. Maybe their dissemination and the educational campaigns of the UN as well as the campaigns of regional and national bodies, even if they are not exemplary, can improve citizens' attitudes and, moved by their demands for cleanliness, legislators, judges, and prosecutors increase their contribution to clean-up operations.

²³ “Detenido en Guatemala el Presidente de OXFAM. Abusos sexuales, corrupción. ¿Qué pasa en la ONG que recibe dinero de 192.000 españoles? (President of Oxfam Detained in Guatemala. Sexual Abuse, Corruption... What's Happening in this NGO that receives Funds from 192,000 Spaniards?) in *El Confidencial*, 13/02/2018. Available at https://www.elconfidencial.com/mundo/2018-02-13/oxfam-espana-presidente-haiti-abusos-sexuales_1521463/ (Accessed on 25/05/2019).

Perhaps, after the experiences and harsh criticisms of the *UN Global Compact*²⁴ by Greenpeace and others, it is no longer appropriate to expect the kind of clean-up (or at least the degree of anticipated clean-up) from the business that was expected at the UN from its recruitment for good causes. However, it is worth mentioning that some companies seem to be finding compensation in exercising “social responsibility”.

Perhaps the old parties in Western democracies will realize that corruption now has an electoral cost that reduces their opportunities and opens opportunities to new parties, which (even at the risk that specific alternative options articulated by right-wing and left-wing populism could end in new disillusionment among the citizenry) will force a good part of the new and old political actors to purge themselves and abandon deep-rooted corrupt practices. Nevertheless, there is no assurance that these expectations will be fulfilled, and much uncertainty lies ahead regarding the immediate future.

Drug trafficking²⁵ generates between one million and two billion dollars annually (2016). Arms trafficking is calculated at between

²⁴ “RSE: duras críticas a *Global Compact* en un debate sobre transnacionales y responsabilidad social organizado por Greenpeace” (CSR: Strong Criticisms of Global Compact in a Debate on Transnationals and Social Responsibility organized by Greenpeace) in *El Diario responsable, la RSE Global*, January 27, 2010. Available at <https://diarioresponsable.com/opinion/9884-rseduras-criticas-a-global-compact-en-un-debate-sobre-transnacionales-y-responsabilidad-social-organizado-por-greenpeace> (Accessed on 15/05/2019).

²⁵ According to the United Nations Office on Drugs and Crime (UNODC), the illegal trade of organized crime generates annual profits of over \$2 billions. This figure is equivalent to 3.6% of the total global production and consumption for one year... The latest report from the World Economic Forum (also known as the Davos Forum) provides a lower estimate – more than \$1 billion. Cited in JUSTO, Marcelo. “Las cinco actividades del crimen organizado que recaudan más dinero en el mundo” (The Five Activities of Organized Crime That Generate the Most Money in the World), *BBC Mundo*, March 31, 2016.

170 and 320 million dollars per year (2016 estimates)²⁶, and human trafficking is estimated at 35,000 billion/per year (2015 estimates)²⁷. All the above continue to be succulent and indecent businesses in expansion, while political corruption, still reviled and denounced, seems like a mythological hydra, capable of regenerating two heads for each lost or amputated.

The Corruption Perceptions Index (CPI) 2018, published on 29 January 2019 by the NGO Transparency International, shocks citizens, as it seems to announce a setback in anti-corruption strategies. For Patricia Moreira, executive director of the organisation, the 2018 CPI reveals *“the inability of most countries to control corruption, which contributes to a crisis of democracy around the world: Corruption undermines democracy and generates a vicious circle that causes the deterioration of democratic institutions, which progressively lose their capacity to control democracy”*²⁸.

²⁶ According to the United Nations Office on Drugs and Crime, the illegal arms trade generates between 170 and 320 million dollars each year worldwide. Cited in “¿Cuánto dinero mueve el tráfico de armas? (How Much Money Does the Arms Trafficking Generate?) in *Ciudadanos en Red*, September 23, 2016, available at <http://ciudadanosenred.com.mx/cuanto-dinero-mueve-trafico-armas/> (Accessed on 15/05/2019).

²⁷ A study by researcher María José Castaño Rejero from the Universidad Pontificia de Comillas highlighted that, in July 2015, the human trafficking industry alone generated between 6,000 and 9,000 million euros, and when combining the profits from migrant smuggling, the amount would reach, according to INTERPOL, 39,000 billion dollars (over 35,000 billion euros annually), "coming closer to the levels of the drug and arms trade," cited in "La trata de personas mueve 35.000 billones de euros al año" (Human Trafficking Generates 35,000 billion Euros per Year), *La Vanguardia.com*, 23/07/2015, available at <https://www.lavanguardia.com/vida/20150723/54434103946/trata-personas-35-000-billones-euros-ano.html> (accessed on 15/05/2019).

²⁸ TRANSPARENCY INTERNATIONAL SECRETARIAT. “El índice de percepción de la corrupción muestra un estancamiento de la lucha contra la corrupción en la mayoría de los países” (Corruption Perceptions Index Shows Stagnation in the Fight against Corruption in Most Countries), *Transparency International*, Berlin, January 29, 2019. Available at https://www.transparency.org/news/pressrelease/el_indice_de_percepcion_de_la_corrupcion_2018 (Accessed on 15/05/2019).

REFERENCES

UNITED NATIONS. UNITED NATIONS OFFICE ON DRUGS AND CRIME: *Convención de las Naciones Unidas Contra la Corrupción* (United Nations Convention against Corruption) *United Nations, New York*, 2004. Available at

https://www.unodc.org/pdf/corruption/publications_unodc_convention-s.pdf.

INTERNATIONAL COUNCIL OF HUMAN RIGHTS POLICY (ICHRP). “*La corrupción y los derechos humanos: Estableciendo el vínculo*” (Corruption and Human Rights: Establishing the Link), Mexico, ICHRP, 2009.

CAPDEFERRO VILLAGRASA, Oscar. “La obligación jurídica internacional de luchar contra la corrupción y su cumplimiento por el Estado español”. *Eunomía. Revista en Cultura de la Legalidad* n°.13, October 2017 - March 2018.

CARDONA, Luz Ángela; ORTÍZ, Horacio; VÁZQUEZ VALENCIA, Luis Daniel. “Corrupción y derechos humanos: de la intuición a la convicción” (Corruption and Human Rights: From Intuition to Conviction). *Revista Mexicana de Sociología*, n°. 80, 2018.

COELLO, Isabel. “Reportaje. Escándalo en la Misión” (Report: Scandal in the Mission) in *El País*, 4/05/2005, and VARGA, Josu de la. “Escándalos en la ONU: Estados Unidos pide la renuncia de Kofi Annan” (Scandals at the UN: United States calls for Kofi Annan's resignation), in *Forum Libertas.com*, available at <https://www.forumlibertas.com/hemeroteca/escandalos-en-la-onu-estados-unidos-pide-la-renuncia-de-kofi-annan/> (Consulted on May 4, 2019).

FRATTINI, Eric. UN. *Historia de la Corrupción*. Madrid, Atanor Ediciones S.L., 2013.

INTERNATIONAL COUNCIL OF HUMAN RIGHTS POLICY (ICHRP). “*La corrupción y los derechos humanos: Estableciendo el vínculo*” (Corruption and Human Rights: Establishing the Link), Mexico, ICHRP, 2009.

JUSTO, Marcelo. “Las cinco actividades del crimen organizado que recaudan más dinero en el mundo” (The Five Activities of Organized Crime That Generate the Most Money in the World), *BBC Mundo*, March 31, 2016.

SEPÚLVEDA CARMONA, Magdalena. “Corrupción y derechos humanos: ¿Por qué vincularlos? Verdad, justicia y reparación por CMDPDH”, *Animal Político*, 2018.

TRANSPARENCY INTERNATIONAL. Corruption Perceptions Index (CPI), available at <https://transparencia.org.es/indice-de-percepcion-de-la-corrupcion/>.

UN. “La corrupción la sufren los que menos pueden permitírsela” available at <https://news.un.org/es/story/2018/05/1434332> (accessed on 4/05/2019).

UNITED NATIONS. UNITED NATIONS OFFICE ON DRUGS AND CRIME: *Convención de las Naciones Unidas Contra la Corrupción* (United Nations Convention against Corruption) *United Nations, New York*, 2004.

VÁZQUEZ VALENCIA, Luis Daniel; CARDONA, Luz Ángela; ORTIZ, Horacio, “Corruption and Human Rights: Possible Relations” *Human Rights Quarterly*, vol.4, 2018, pp. 317-341

TRANSPARENCY INTERNATIONAL. Corruption Perceptions Index (CPI), available at <https://transparencia.org.es/indice-de-percepcion-de-la-corrupcion/>.