

INTERVIEW with JOSÉ UGAZ

President of Transparency International

Traducción al inglés de esta entrevista realizada por Josephine Serrallach (TI-Nueva Zelanda)

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*How is the phenomenon of corruption viewed from the vantage point of the Chair of Transparency International?*

It is perceived as a very complex phenomenon that affects a large part of humanity. If we look at the world map painted in red according to the latest Corruption Perception Index (measurement done every year covering most countries), corruption severely impacts on more than two thirds of the planet.

*In your opinion; what is the nature of this phenomenon and what are its characteristics?*

Corruption is linked initially to seeking personal gain with no regard for the public good, It is a selfish act that means the denial of solidarity and community interests. As Professor Klitgaard stated, corruption is like AIDS, it does not distinguish age, gender, class or race and is very difficult to cure. Today we separate what it is considered as Grand Corruption from what we might call "everyday corruption of individuals". This new phenomenon has the characteristic that its perpetrators are people with economic or political power, who mobilize large amounts of resources (we are talking about hundreds of thousands of dollars) and, as it is generally committed in underdeveloped countries, it has an impact on the human rights of vast groups of people, especially the poorest.

*Mr. José Ugaz, you have a proven and extensive track record in defending human rights and fighting corruption in Perú, where you played a significant role in the Fujimori/ Montesinos case. What lessons did you drawn from this experience?*

The first lesson is that when corruption becomes systemic, structural, we are facing a complex problem, because to overcome it, and to produce sustainable change, it is not enough to punish those responsible. It is necessary to prevent it and, for that, deep institutional and cultural reforms are needed. When systemic corruption becomes part of daily life and is "normalized" by citizens who assume it is an acceptable way of interacting socially, it is then imperative to build a culture of integrity.

The second lesson is that with political will and ethical leadership at the highest levels of authority, it is possible to defeat corruption and achieve structural changes. When that “will” and leadership example do not exist, it is up to civic society to mobilize and generate the necessary conditions towards change.

On the operational side, it is appropriate to find good allies (foreign authorities, investigative journalism/press, civil society organizations, etc.), to have adequate legal instruments (laws of collaboration, precautionary measures) and a specialized judicial system (anti-corruption sub-system).

*What led you to continue the fight against impunity in your country, and what were the risks to your personal and professional life?*

As a Peruvian, I consider it my duty to my country and my people to do everything necessary to leave to future generations a reality that will allow everyone to achieve full realisation and potential on equal terms, without distortions that benefit a few to the detriment of the majority. It is the struggle towards achieving the utopia of having a country where we can all be happy.

One such effort involves physical security risks and attacks through campaigns of "character assassination" by corruption perpetrators who seek to publically discredit whoever denounces corruption. In my case there was a threat of attack to one of my sons and a bomb was planted in my vehicle. I was criminally charged 75 times for various crimes and endured very aggressive media campaigns for months.

*What would you say to those people who have denounced situations of illicit and illegal activities in their institutions or workplaces, and who are fully aware of the risk that this entails, even for their personal safety?*

I think in those cases, the people involved have to take measures to avoid unnecessary risks and to ensure that denunciations are effective. However, in some situations it is practically impossible to ensure "zero risk", so my advice always is, fear should not silence us, we must act against corruption and take risks for the common good, which is a higher good.

*From Perú to Berlin where the world headquarters of Transparency International is located. What things surprised you most in what you learnt about the organization when you assumed its presidency?*

I was surprised at the level of professionalism and high motivation of my colleagues in the secretariat, and the strength and courage shown by most of our chapters in more than 100 countries in the world, taking daily risks towards achieving a fairer world free of corruption.

*In your opinion, at what stage is the organization you preside over?*

We are at a crucial moment in which, while building from our achievements after 23 years of existence, the legacy of our founders, we are journeying to be a militant organization, activist, and capable of making an impact on the current reality. We are talking louder and clearer, we're taking action to break the inertia of impunity and fight grand corruption on all fronts in which we encounter it.

*What are the key challenges facing the future? How is the implementation of Strategy 2020 progressing?*

Our challenges are reflected in the 2020 strategy: we want to support the social processes of mobilization against corruption and where they do not exist, we want to identify ourselves with the people and engage with people to bring about change; we seek to end impunity and ensure that the corrupt do not get away with it; and we want to strengthen the movement and our national chapters.

The implementation of the strategy was already initiated through a participatory process and we are now in the process of transformation of the secretariat. We are working on specific cases and have developed a campaign against impunity ("unmask the corrupt") that is entering its second stage.

*What would you like to be your legacy to this movement against corruption, once you have completed your mandate?*

I would like to leave a more agile and vigorous movement able to have significant impact on reducing corruption, capable of innovation for more effective work and a movement attractive to citizens, but feared by the corrupt.

*To what extent do you think the fight against corruption should put more emphasis on prevention? What in your view is the best way to prevent?*

A comprehensive anti-corruption effort must combine prevention and pursuit of sanctions for illegal social actions. Both are complementary and should run simultaneously. There are many ways to prevent: generating mechanisms of transparency and access to information, promoting administrative simplification, educating on ethical values, organizing social control, strengthening control mechanisms, etc.

*We could say that denouncing illicit and illegal behaviours, or the violation of human rights and dignity of people, are "gestures of citizenship", but the consequences for whistle-blowers are often catastrophic, personally, professionally, and for their families. How to address this problem?*

You cannot make omelettes without breaking eggs. Sometimes, you have to take risks at a cost, provided they are manageable. We are not talking here about absurd immolations. It is therefore very important to identify allies, act collectively and strategically. The fight against

corruption has to be a product of collective reaction or at the very least the product of basic alliances to avoid unnecessary personal sacrifices.

It is true that sometimes it is impossible to avoid the costs of civic actions implicating citizens. In those cases you have to give careful consideration to the consequences and any personal decision will depend on how far one is willing to move forward and what price one is prepared to pay by acting for the common good.

*Fear seems to cross Europe, and with it a certain paralysis of civil society to continue to fight for human rights, freedoms and human dignity. How can we fight against this?*

Fear plays an important role in the paralysis of civic movements. We live this fear closely in Peru with the internal war that unleashed terrorism. However, after the first moments of confusion, leaderships arise that make it possible to reorganize, propose alternatives, face the fear and move forward.

We have to identify positive leadership, build social networks, and get organized.

*If we agree that the fight against corruption concerns not only governments and rulers, but all citizens (which means that it is for civil society through collective action to seek to control this phenomenon), which vitamin does civil society need to take to act against corruption and non-ethical behaviour? Do we have to talk relentlessly about values? Become pedagogues?*

The first thing is not to resign to the inevitability of corruption. Citizens who feel defeated by the magnitude of the problem, have lost the battle before the war has begun.

The rest is to organize and identify social leaders who will enable civic mobilization. Currently, with the power that social networking provides, it is possible to achieve collective action that was previously unthinkable. There are the people of Guatemala, Honduras and Brazil in their fight against corruption to remind us of people power.

We must speak loud and clear, publicly denounce when necessary, pursue legal - and social - sanctions for the corrupt, but an educational long-term effort is also required to build a culture of legality and integrity.

*In another vein, Mr. Ugaz, what lessons did you learn through your experience as UN observer in truly dramatic situations such as that experienced in El Salvador after the civil war, and the implementation of the peace agreements of 92?*

I learned that even in extreme conditions, marked by decades of violence and death, it is possible to find a way out. What is now happening in Colombia with the peace agreement is an example of that. Unfortunately, there will always be retrograde sectors that oppose change with the absurd argument that we cannot negotiate with those who for many years killed and violated human rights of thousands of people.

These are complex processes, where violence comes from all sides. We should not lose perspective that building a lasting peace has a cost well worth paying for, if it ensures that future generations of Salvadorians or Colombians yearn for a future where they can accomplish their full potential in peace.

And what did you think when you were appointed by Fujimori as ad-hoc prosecutor of the Republic of Peru, to investigate the Montesinos case, and then Fujimori/Montesinos?

Originally I was summoned by the Minister of Justice at that time (my ex-professor of administrative law, and friend) to help capture Montesinos. When I heard his proposal, the first thing that came to mind was that it was an opportunity to neutralize a character who had dominated the country, looting government funds, violating human rights and controlling politics and the drug trade.

I did not think twice, it was an obligation to my country and future generations.

*What has this experience taught you, when now seen from a certain distance, and knowing how circumstances further developed?*

Fundamentally, when there is political will and a moral code, even in countries captured by organized crime and corruption, it is possible to win the battle against the offenders and make a difference. The challenge is always about how to make sustainable change and how to impregnate the structures of a state and a society that has long suffered from systemic corruption.

To avoid impunity we must find mechanisms of transitional justice, although accepting that may have to give up something to achieve the goal.

*As for the situation in Spain, it seems that public perception is that corruption is everywhere, contributing to discredit democratic institutions and coexistence that were so hard to build. How is this phenomenon seen from outside? Do you share this view and/or think something is changing in this country? What in your opinion are the main challenges that Spain must confront in this regard?*

Indeed, there is a perception that there is a lot of corruption in Spain. I can tell the anecdote that every time I get on an Iberia flight to go to Spain, I am handed the newspaper "El Pais" and always find a story of corruption on the cover.

However, unlike what happens in many other countries - like mine- corruption in Spain is not "normalized", it is a phenomenon of corrupt elites linked to the political class and to certain groups of economic power.

Nobody would think that a Spanish citizen would offer 20 euros to a civilian guard not to be punished for an offense, or that they would put 50 euros in an administrative file to bribe a bureaucrat and get a faster licence.

In that sense, the great challenge for Spain is how to prevent this corruption in the elite, and at the same time prevent it from permeating the population. It would be a tragedy if so much corruption of power could end being "normalized" in the eyes of citizens.

*Mr. Ugaz, finally, regarding your book "Caiga quien caiga", this is a book that given the sensitivity of the facts related and the amount of information it reveals about the Fujimori/Montesinos proceedings, will not leave anyone indifferent; it may arouse reactions of all kinds, can you tell us some of the effects and reactions aroused by the book?*

The publication of the book, which is a chronicle based on my experiences as Ad-Hoc Anti-Corruption Prosecutor for the Fujimori case, was received with unusual interest. In fact it surpassed the expectations of the publisher (Planeta) and is on the fourth edition.

I was surprised that those who might have criticized the work, for having been identified as key players, have kept silent. On the contrary, the book received unanimously positive reviews. Since it is full of anecdotes and contains some unknown revelations about what happened in the proceedings against Fujimori and Montesinos, there were those who thought it was a novel, for certain stories - all real – seem fictional as if drawn from a wonderful and fantastic world more appropriate of the writings of Vargas Llosa or Garcia Marquez. In fact, the holder of the Nobel Prize in Literature, Mario Vargas Llosa, wrote me a letter stating that the book is "an exciting testimony about the Mafia, led by Fujimori and Montesinos that ruled and plundered Perú for 10 years ... your book is read with the interest of an adventure novel ...".