

EFFORTS FOR REFORM IN THE DEFENCE SECTOR IN COLOMBIA THAT HAVE CONTRIBUTED TO THE FIGHT AGAINST CORRUPTION

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Acknowledgements:

The following notes have been prepared on the basis of information gathered through interviews with two very qualified experts in the defence/security area in Colombia. The first one, Alfredo Rangel, is the Director of a specialized NGO (Security & Democracy Foundation), former presidential advisor for national security and an obliged analyst in these matters, columnist of the most important newspaper in Colombia. The second one, Yaneth Giha is the Director of the Post-conflict Area in another specialized NGO (Ideas for Peace Foundation), former advisor to the Vice-Mister of Defence and head of the Defence & Security Area in the National Planning Department.

There have been three types of efforts considered by the experts as key issues for the control of corruption in the defence sector in Colombia:

- Our last Constitutional reform in 1991, introduced for the first time a civilian as Minister of Defence¹, and this has brought about an structural change in the management of the planning processes, the relationship with the remaining the governmental agencies and the administrative organization within the Ministry and in relation with the armed forces.
- The budget planning for defence was included within the same procedures followed by rest of the sectors. This means that the Ministry determines the priorities in coordination with the armed forces; however, they are then discussed with the National Planning Department (agency that has a specialized division on defence & security) and the Ministry of Finance, in order to debate the balance between the defence priorities and those of the other sectors. Then the proposed budget for the government as a whole is established, and submitted for approval first by the National Council for Economic and Social Policies (made up by all the ministries) and later on by Congress. Before this procedure was established, the budget for defence was only discussed between the Defence Ministry/Armed Forces and the Ministry of Finance, and then submitted to Congress for approval.
- Several measures were adopted to improve transparency in procurement processes for the defence sector, gaining also in efficiency.

¹ Before that, Ministers of Defence were always military.

- ✓ The organization for procurement matters was centralized in the Ministry of Defence rather than keeping it divided in the different forces (in a process accompanied by Transparencia por Colombia). Budget planning is organized by each force and procurement needs are forwarded to the contracting office of the Ministry. This office consolidates goods and services required and puts together unified procurement processes. The forces participate in technical committees but it is the contracts office (run by civilians) the one responsible for the procurement process. This has been useful not only to establish more organized and unified procedures that protect procurement from corruption, but also to achieve standardization in equipment between forces, making maintenance more efficient, and also gaining economies of scale in procurement processes making more value for money.
- ✓ In general, most of the procurement processes are implemented through public bids, even though the public procurement law has an exemption to the public bid obligation, when it comes to defence matters. Being this an important improvement, the effectiveness of this measure is often limited because of the technical specifications of the equipment, defined by the armed forces for bidding, making an actual competitive process, often impossible.²
- ✓ The most important and recent procurement process in the sector (acquisition of warfare aircrafts) was implemented through a public bid³, and was accompanied by watchdog agencies and by Transparencia por Colombia as a civil society external monitor. An integrity pact was signed in the process.
- ✓ Lately, an additional centralization process has been performed for the institutional Funds of the sector that, although designed to finance social activities, are also used to purchase different types of elements for the forces. Each force used to have its own Fund, but now they are in the process of being consolidated as a sole Fund under the umbrella of the Ministry of Defence.

The concept of the two experts interviewed is that these measures have contributed considerably to the control of corruption in the more complex and larger procurement processes in the sector. At least one of the interviewed feels that in these efforts there is much more commitment from the Ministry of Defence than from the forces. The military do not seem to be very interested in these types of measures, and often oppose to them.

² The preferences of the forces for particular brands of equipment makes them insist in determined technical specifications. For civilians, who are promoting competitive bidding, it is often difficult to try to “open” processes to multiple bidders since they don’t have the knowledge about specialized technical details.

³ Even though the process ended up in a direct negotiation, the Ministry of Defence and the Air Force developed a complete call for bids process, that unfortunately failed because only one offer was submitted and it didn’t fulfill minimum requirements.

Other measures that contribute to exert control at the central level, are the existence of an internal control office in the Ministry (again run by civilians) and the role played by the General Comptrollers Office, which also has an specialized division for Defence and Security; even though the latter requires personnel with improved training and specialization, and should play a more strategic role. In addition, a more active monitoring role by Congress is needed, relative to the performance of the sector vis-a-vis the assigned budget.

Both experts agree on the fact that corruption is still an important problem in the smaller contracts that continue to be under the responsibility of lower institutional divisions in the forces (brigades and battalions), with less controls on their administrative performance. Moreover, due to the fact that the influence of illegal actors in the territorial level is stronger than in the central level.

This brings us to the relationship between corruption and illegal actors (guerrillas & paramilitary –G&P- on the one side and drug trafficking on the other).

Intended peace processes with G&P have never had corruption as a main or preliminary issue on the agenda for conversations or negotiations. In the case of guerrillas, the issue has been raised more as a reason for them not to negotiate with different administrations they consider corrupt, but no particular proposals on how to address the matter have been either raised on the agendas. In the case of paramilitaries, who are accused of being responsible for local state capture problems in multiple municipalities in the country, the issue hasn't even been raised in the negotiation.

On the other hand, the nature of the relationship between drug trafficking money and governmental corruption has changed significantly. Before, when the big drug cartels existed, their influence in politics and the higher levels of the administration made it possible for them to reach all levels, including the armed forces and specially the police. Now, after a long period of chasing and judging the leaders of those big cartels, they have been broken down and the influence of the traffickers organized in smaller cartels happens much more frequently at the territorial levels. There again, where institutionality is much weaker, the presence of the state (justice, watchdog agencies, etc) is also weak and vulnerable to the same influence of illegal actors, thus making it a fertile scenario for corruption to affect not only the defence sector representatives but also the municipalities and all the other local institutions.

This is why the territorial level is the space where the bigger attention should be focused, regarding institutional strengthening to attack corruption matters. A strategy needs to be devised to address a situation where local institutions are weak, there is a strong presence of G&P with the capacity to capture (having the arms to intimidate and the money to bribe), and citizen organizations have very low capacity to act or denounce, for survival reasons.

As for the flow of money through the government, no special measures were mentioned by the experts. From the criminal point of view the government has established two agencies, one to investigate flows of money through the financial system to try and control money laundering, and another to manage the assets seized to drug dealers.

The only recent measure adopted by the government to entrust independent individuals or groups to monitor flows of funds through the government, is the intention to create some kind of monitoring committee conformed by private companies, to oversee the spending the money from a new “war tax” that will be levied next year.

Given the experience mentioned, it is recommendable that countries committed with anticorruption in defence trying to push forward reforms in the sector, and facing simultaneous problems of criminal groups with considerable levels of influence, include measures as the following:

- Strengthen institutions, taking into account the complexity of the criminal business (drug trafficking or any other), to detect where the biggest effort should be made, at the central or territorial level.
- Guarantee that there are civilians with responsibilities in security & defence planning and administrative related functions.
- Establish high levels of publicity on how security & defence money is spent, opening procurement processes to competitive bidding, paying attention that technical specifications are not used to constrain participation.
- Define sufficient checks and balances between the military, the government, strong watchdog agencies and civil society organizations, if they can participate in monitoring processes without exposing their lives.
- Involve Congress in a rigorous follow up to expenditure in the sector, vis-a-vis achievements and clear success indicators in defence & security policy implementation