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MY LOYALTY
IS THE HONOR

NATO
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TRANSPARENCY MAGAZINE

DANTE

HÉROES BICENTENARIOS
EJC
AVANZANDO POR COLOMBIA

DIRECTORATE OF ARMY
TRANSPARENCY NORMS APPLICATION

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CONTENT

EDITORIAL
INTEGRITY IN THE NATIONAL ARMY 6

MG. Nicasio De Jesús Martínez Espinel
National army commander

COLOMBIA AND NATO 11

Guillermo Botero Nieto
Defense Minister

CORRUPTION AND ORGANIZED CRIME 15

Nestor Humberto Martínez Neira
General Attorney Of The Nation

THE FISCAL CONTROL: THE SHARED EXPERIENCE, BENEFIT OF ALL 19

Carlos Hernán Rodríguez Becerra
General Auditor Of The Republic

INTEGRITY, TRANSPARENCY AND ACCOUNTABILITY IN THE MANAGEMENT OF DEFENSE STAFF 25

Benedicte Borel
Team Officer For The Development Of Integrity.
Political Affairs Ans Security Policy Division Of Nato

INTERNATIONAL TRANSPARENCY, DEFENSE AND SECURITY 30

Sir Lan Andrews
International Transparency Executive Advisor

STRATEGIC CHALLENGES IN THE STRENGTHENING INTEGRITY REGIONAL LEVEL INSTITUTIONAL 36

Fernando Cepeda Ulloa

Former Goverment Minister

SELF-REGULATION, PREVENTION AND PENALTY LAW 42

Carlos Fernando Guerrero Osorio

Directorate Of Army Transparency
Norms Application Advisor

INTEGRITY IN THE PUBLIC FORCE

It is worth noting that whistleblowing (delación premiada or denuncia ciudadana premiada) – seen not only in the United States but in many other countries too as one of the most effective tools – has its origins in the beginnings of independence in the United States and was perfected with what was at the time called the Lincoln Law, which dates back to the Civil War. After that, it was updated and regulated for specific sectors

The first case of such practices dates back to 19 February 1777, when 10 sailors on the USS Warren dared to denounce Commodore Hopkins, whose brother, the Governor of Rhode Island, was one of the signatories of the Declaration of Independence. On 2 January 1778 the Congress dismissed Hopkins, who was then removed from service in the US Navy. Hopkins retaliated against the sailors, who later received compensation and a reward from the Congress. 30 July became the anniversary of the passing of the first legislation on whistleblowing by Congress in 1778. As mentioned above, President Lincoln updated the legislation to fight corruption in the armed forces during the Civil War.

These were extremely important events in the history of the United States. How was it possible that some people tried to unduly benefit from two situations that were so difficult for the US?
Colombia has also seen similar situations. We have experienced harsh periods of internal conflict, from the 19th century to today. As a result of a negotiation process pursued by various governments since the Turbay Ayala administration

EDITORIAL

(1978-1982), an agreement was recently signed between rebel group FARC-EP and the Colombian government (24 November 2016).

This internal conflict was mainly fuelled by something that did not exist earlier, i.e. money from drug trafficking and illegal mining, especially for gold, at a time when its price reached very high levels. This led to the emergence of various rebel groups with different shades of left-wing ideology. Under the Virgilio Barco government (1986-1990), and then during the César Gaviria government (1990-1994), one of the groups (M19) was reincorporated into civilian life and later joined by others. This would result in incomplete peace. Efforts are being made to reach an agreement with the National Liberation Army (ELN), the Popular Liberation Army (EPL) and other violent criminal organizations.

The democratic institutions suffered as a consequence of the action of those groups (guerilla warfare, drugs cartels, other forms of organized crime). Some of them were co-opted and forced to engage in corruption. It should be noted with pride that though the armed forces also fell victim to those pressures, they were able to maintain the highest transparency standards. This is so true that today, and for some years now, the military has come out in opinion polls as the institution most loved and trusted by citizens.

Maintaining this special position and avoiding new occurrences of corruption have been two of my core aims as Inspector of the National Army, and now as Commander of the Army. That is why the "DANTE" directorate (Dirección de Aplicación de Normas de Transparencia del Ejército – Army directorate for the application of of transparency standards) was set up. This is a way to contribute to global efforts to achieve high levels of transparency, such as those set out in the United Nations Convention against Corruption (29 September 2003) and other international tools such as those of the OAS and the OECD.

DANTE was created on 28 April 2016, and the programme benefited from recommendations from renowned experts such as Professor Mark Pieth and was validated by Bénédicte Borel, a member of the team that manages NATO's Building Integrity programme. We prefer the notion of integrity because it is a lot more comprehensive than that of transparency or anticorruption as it refers to behaviour closely linked to the application of high values, both in people's private, family and social lives and in their professional lives within the military. It is the notion that fits best with our Code of Honour.

Our colleagues abroad are watching this programme with keen interest, and we hope that our experience will offer valuable lessons for them to learn from.

Democracies are fighting to guarantee transparency. In Central America, this topic has become highly relevant. The fight against corruption has been a central issue in the most recent electoral campaigns, and some think it has been a decisive factor in electoral victories. Parties from the left, centre and right are affirming their commitment to the fight against corruption. In Colombia there was a popular consultation on anticorruption that was supported by almost 12 million votes

This result gave rise to a National Pact against corruption, backed by all the political and social forces. Peru conducted a similar consultation in December 2018.

Weariness. Indignation. And demands to put an end to corrupted behaviour. This is what characterizes the political response from our citizens to the various parties and movements.

In Colombia, universities and think tanks have taken on the issue with much rigour and have prepared publications of hundreds of pages to try and diagnose the situation and propose solutions to keep corruption in check, and even eliminate it if possible, insofar as it has become a real threat to democracies and is destroying the credibility of the authorities and the institutions, as well as the trust people place in them.

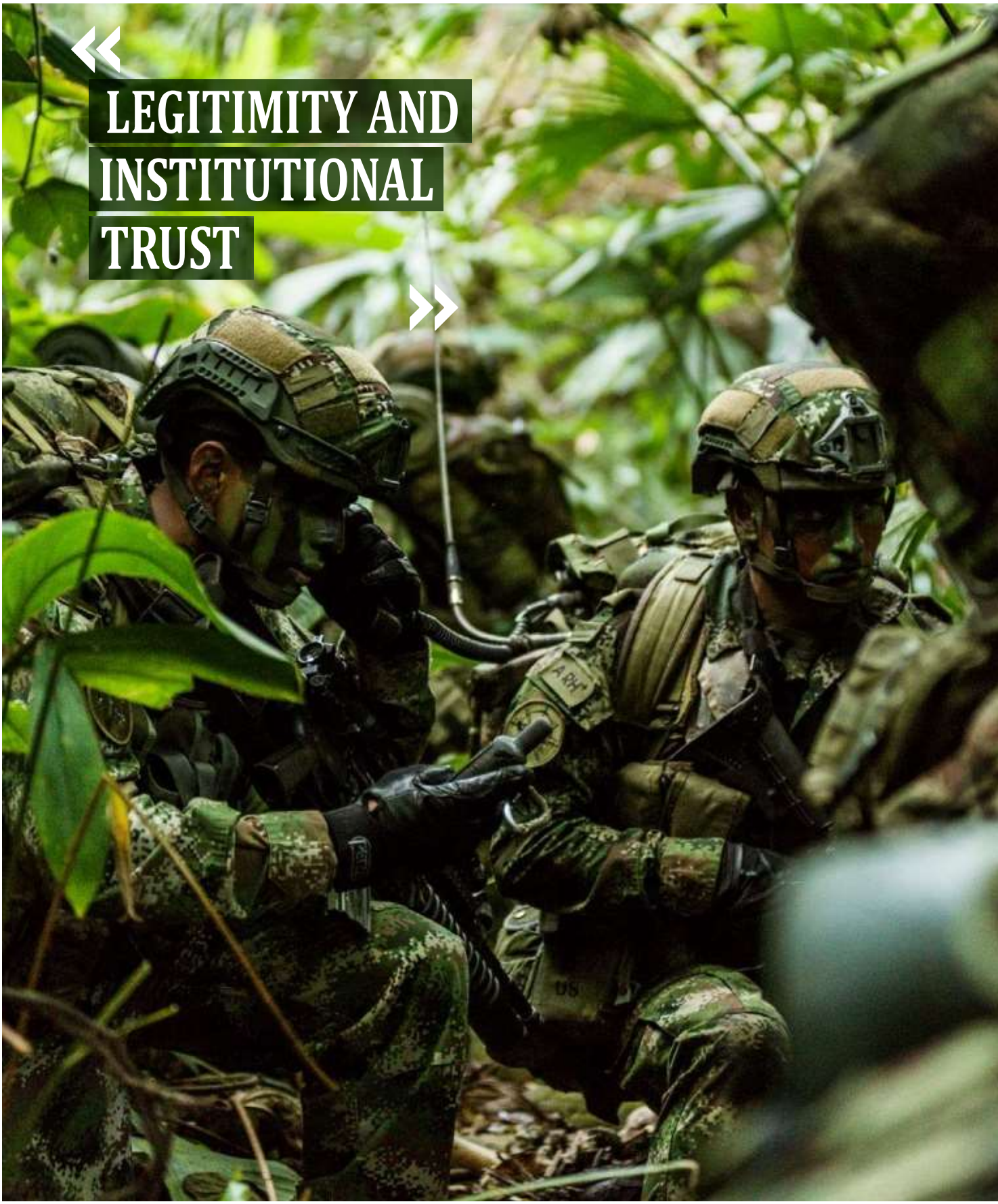
The Colombian Army is setting a valuable example for the other forces to follow and so that all the institutions in our democracy feel inspired by a serious, disciplined and coherent exercise designed to preserve the integrity of an institution that, in the middle of the execution of its transformation plan and the risks that characterize conflict, is forever trying to offer to the State and to the Colombian people an upright army, and to maintain a high level of transparency recognized by all, since, it should be said again, it is one of the Colombian people's most appreciated and respected institutions.

MG. Nicasio De Jesús Martínez Espinel
NATIONAL ARMY COMMANDER

SECURITY AND NATIONAL DEFENSE MAGISTER, HE HAS BEEN GENERAL INSPECTOR OF THE ARMY, ESCUELA SUPERIOR DE GUERRA`S DIRECTOR, OMEGA TASK FORCE COMMANDER, CHIEF OF STAFF THE EDUCATION AND DOCTRINE AND FIFTH DIVISION COMMANDER.

EDITORIAL

LEGITIMITY AND INSTITUTIONAL TRUST



COLOMBIA AND NATO

Allied in building integrity
Colombia's defence sector increasingly committed to transparency

The fight against corruption in Colombia's defence sector already sets an example for the world.

This is thanks to the ongoing work done for several years now with NATO, whose Building Integrity programme has established the parameters for strengthening transparency in the Colombian state's largest sector. From the commanders of the Military Forces and National Police Force, to smaller units such as battalions and stations, all have assimilated the concepts of institutional transparency and ethics.

Since 2012, Colombia's defence sector has established policies and mechanisms to facilitate complaints from the public regarding possible acts of corruption within military and police units, and has stepped up campaigns to raise awareness about ethics, transparency, integrity and the fight against corruption in general.

The intense work carried out within the institution has relied on the support of strategic allies such as NATO, with its Building Integrity programme, and in particular the United Kingdom, which has conducted activities to exchange information on good practices. From the commanders of the Military Forces and National Police Force, to smaller units such as battalions and stations, all have assimilated the concepts of institutional transparency.

In 2017, the United Kingdom's Transparency International assessed Colombia's defence sector using the *Índice* de *Transparencia de las Entidades Públicas (ITEP, the Public Entity* Transparency Index) and the Government Defence Anti-Corruption Index. The results of these checks put the sector at a low level of corruption risk in the management of state resources; other countries in the same band include Australia, the United States, Canada, Japan, Norway and Sweden.

Today, Colombia's defence sector can proudly say that it is the only country in the continent of South America with a minor risk of corruption.

This result was the reflection of important decisions and steps taken to make the sector a benchmark for the Colombian state and for the population in general. When the framework agreement with NATO was signed in 2014, the Ministry of Defence, with the backing of other government agencies, committed to and completed the Self-Assessment Questionnaire and Peer Review Process (SAQ-PR). Colombia's defence sector was one of 11 nations to complete the process, reviewing, among other aspects, anti-corruption policies and regulations, the planning and budget process, and procurement standards and procedures.

This process made it possible to draw up an inventory of good and bad organizational practices, compare and identify disparities with other countries, determine areas in need of improvement, and establish intentions, objectives and goals in the framework of the planned institutional transformation for forthcoming scenarios, always in the framework of ethics and transparency.

Another measurement of ethical and

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Another measurement of ethical and transparent behaviour in the sector that the Ministry of Defence faced in 2016 was the *Índice Sintético de Desempeño Institucional* (ISDIN, the Concise Index of Institutional Performance), assessed by Columbia's *Departamento Administrativo de la Función Pública* (DAFP, the Public Service Administrative Department). The defence sector was ranked first among the 57 participating institutions of the executive branch, demonstrating once again that the institutional policies and plans have yielded effective results on the road to institutional transparency.

The central element of the anti-corruption policy of the Ministry of Defence, as leader of the sector, is the Plan de Aseguramiento de Integridad y Prevención de la Corrupción (Plan for Assuring Integrity and Preventing Corruption), an anti-corruption plan which is fully aligned with the vision of NATO's Building Integrity (BI) programme. Colombia is one of the global partner countries that puts into practice the agenda of this programme, which is so important globally.

Its legitimacy comes from having been developed with the participation of all the areas in the sector responsible for identifying, assessing and handling threats to the integrity of the organization. Every institution in the sector publishes annually the updated version of the plan, and the Internal Control offices conduct compulsory monitoring of its progress every four months; this is a valuable opportunity for permanent self-assessment, monitoring and updating of risk treatment.

Two of the five priority concepts of the government policy of the President of the Republic, Iván Duque, are aligned with the directives and guidelines of the fight against corruption. These government lines strengthen the framework for assuring institutional integrity, which is a further effort in the direct attack on corruption.

On 26 August 2018, more than 11 million Colombians went to the polls to demonstrate and vote in favour of the fight against corruption. This expression of democracy and citizen empowerment rejecting the continuous abuses of public funds further legitimizes the defence sector's decision to continue to implement strategies to raise awareness and increase respect for the public, in addition to robust actions in favour of institutional transparency.

In this fight against corruption, Colombia's defence sector is furthermore a leader in the country in its processes for accountability to the public; it not only issues periodical reports of its actions and the way in which it invests public resources, but it also regularly meets with leaders from the different communities across the national territory to find out about their needs, and, hand in hand with the uniformed authorities of the Military Forces and the Police Force, seeks to meet or in some way mitigate security challenges.

The capability-planning model is another of the methods implemented by the Ministry of National Defence to ensure that defence-budget expenditure is a consequence of the strategy, and not that the strategy is a consequence of the budget. This makes it possible to implement four actions associated with good practices for developing integrity in the defence sector: making decisions only after prioritizing, strengthening institutions based on better practices in sector governance, improving information systems for transparency, and maintaining the supply and procurement chain.

Initiatives such as the Ministry of Defence's Línea del Honor hotline, in addition to the hotlines for each of the Military Forces and the National Police, the General Command's DANTE doctrine, the National Army's DAMASCO doctrine and the Política Integral de Transparencia Policial (PITP, Comprehensive Policy of Police Transparency) strengthen the internalization of concepts associated with integrity, transparency and ethics in general that must always prevail in all actions by members of the sector.

It is critical that the institutions of the defence sector continue to work on internalizing the concepts of ethics, transparency and respect for the public, from the Ministry at the top right down to the smallest units, from the training schools for the uniformed personnel who make up the Military Forces and the Police Force, to both large and small operational

Being a public servant in the defence sector entails great responsibility, especially in the country's current situation. The citizens have faith in the management of the institutions and expect every single member to set the best possible example of respect for the law and legitimacy in their actions, through ethical and irreproachable behaviour.

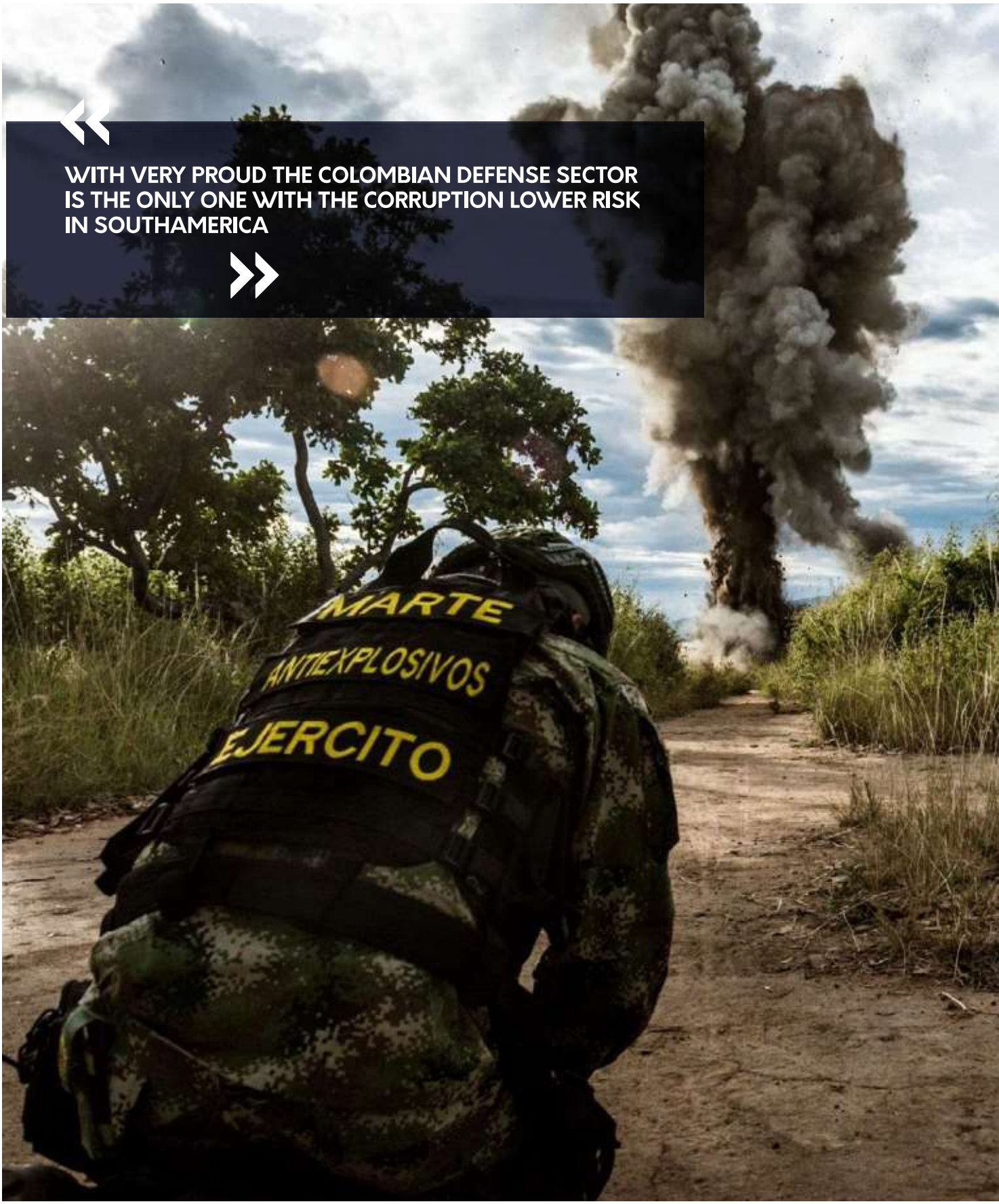
Military and police honour, and professional ethics, are the key elements in this effort to achieve an honest, enterprising and fair country.

The road is still long and it is the duty of the heads of the defence-sector institutions to continue working for continuous improvement and the internalization of the concepts associated with integrity and the fight against corruption.

For the reasons presented above and considering the ambitious goals in legality and transparency decided by the government of President Iván Duque, the international community can be sure of the institutional commitment to transparency, integrity, ethics and the fight against corruption.

Guillermo Botero Nieto
DEFENSE NATIONAL MINISTER

ATTORNEY OF THE ANDES UNIVERSITY WITH AN OUTSTANDING TRACK RECORD AND MIXED EXPERIENCE BETWEEN LAWS AND BUSINESS ACTIVITIES LINKED TO THE FOREING TRADE AND THE LOGISTIC OPERATION, AMONG OTHERS, BESIDE, HE HAS ALWAYS BEEN LINKED TO THE TRADE ACTIVITIES.IN HIS BUSINESS TRACK RECORD STANDS THE FLOWERS EXPORT SINCE 1979 AND THE PRESIDENCY DURING 10 YEARS OF ONE COMPANY DEDICATED TO STORAGE HANDLING AND CUSTODY OF GOODS WITHIN LOGISTICS PROCESSES. SINCE NOVEMBRE 2003, HE OCCUPIED THE NATIONAL FEDERATION OF BUSINESSMEN PRESIDENCY (FENALCO), ENTITY WHERE HE WAS LINKED AS A DIRECTIVE MEETING IN DIFFERENT OPPORTUNITIES SINCE 1985. HE HAS BEEN SPEAKER IN DIFFERENT AREAS ABOUT POLITICS AND ECONOMICS SUBJETS.



WITH VERY PROUD THE COLOMBIAN DEFENSE SECTOR IS THE ONLY ONE WITH THE CORRUPTION LOWER RISK IN SOUTHAMERICA

CORRUPTION AND ORGANIZED CRIME: A NEW PERSPECTIVE

Making a strong impact on organized crime and the forms of corruption that do the most damage to society are the main aims of the Office of the Attorney General's strategic direction for the 2016 2020 period.
This is not an easy task. Achieving these strategic objectives requires a full review of all the tools that the prosecution has at its disposal to combat these manifestations of macro-criminality, as well as making bold proposals aimed at disrupting the key components of criminal activity.

It is a significant and complex challenge. Criminal organizations have demonstrated considerable ability to adapt to new realities and now function like companies, with varied business portfolios, division of labour, and hierarchical, layered structures, which makes them more efficient in the execution of their criminal plans.

They have specialized in running operations in areas such as drug trafficking and illegal mining, forming complex corporate structures with branches that even extend beyond the national borders, in order to conceal their illicit activities. They also increasingly use information and communication technology, such as crypto-currencies, to manage their resources. They have become more sophisticated in their methods and have diversified their sources of funding.

Today's organized crime manifests itself in diverse forms, is heterogeneous and, except for some constants, becomes every day more complex and difficult to untangle.

However, perhaps the most disturbing element in the fight against organized crime is its infiltration into public institutions. Corruption has become the quintessential facilitator of organized crime, as it is much more practical than violence and threats for achieving its purpose of concealing itself in the different levels of the state in order to serve its own interests and ensure the impunity of its actions.

The primary manifestation of the close link between corruption and organized crime is the phenomenon of state capture and co-optation.

The term “state capture” defines the process by which a criminal organization uses violence, or threats of violence, in order to control the state and obtain benefits of a different kind.
Some authors have described the use of violence in controlling the state as an advanced phase of development in state capture (Garay, Salcedo, De León-Beltran & Guerrero, 2008).

“State co-optation” refers to the process of aligning the economic, electoral, judicial and administrative interests of public servants with those of members of a criminal organization without the use of violence: this alignment tends to occur at the highest executive level (Selznick, 1948).

There is no specific criminal definition determining or characterizing the phenomena of state capture and co-optation; instead, they consist of a series of punishable actions carried out by various actors in a context in which they hope to obtain control of public entities at their different levels, from local to national, for the benefit of their own interests. Added to the facade of legality that the subjects give to their actions, this means that the investigation and analysis processes for prosecuting these cases are singularly complex.

With support from a team of analysts, the Office of the Attorney General of Colombia is working on a methodology to allow its prosecutors and investigators to identify these cases, the aim being to improve the ability to analyse, investigate and prosecute crimes involving complex criminal activities and tangled networks of offenders.

The methods of investigation and prosecution of corrupt behaviour linked to organized crime activities require a strategic approach comprising four key elements:

(i) specialization of prosecutors and investigators in charge of trials, (ii) interdisciplinary working groups, (iii) inter-institutional coordination and (iv) prioritization of cases. Given their complexity, these investigations must also progress in phases and along well-defined lines, with precise aims that make it possible to identify and neutralize the flows in the criminal chain.

Meanwhile, modern manifestations of macro-criminality or criminality of "systemic injustice" (Lampe, 2009) have generated a crisis in criminal law, particularly as regards the forms of response that the criminal code provides to deal with cases of this type (Ferrajoli, 2006).

It is a criminality that "infringes upon fundamental goods and rights [and] is no longer the old criminality of survival, carried out by individual, and for the most part, marginalized subjects. The criminality that poses the most serious threat to rights, democracy, peace and the very future of our planet is surely the criminality of power: a phenomenon that is neither marginal nor exceptional, like traditional criminality, but inserted into the normal functioning of our societies" (Ferrajoli, 2006).

These new circumstances require the transformation of the criminal justice system, i.e. a radical re-engineering of the ways in which the state tackles this type of crime. Indeed, to disrupt criminal organizations' various criminal manifestations, the first step towards tackling these threats to the rule of law is to understand "that a crisis like that of criminal law is the sign and the product of a short-sighted criminal policy, incapable of confronting the structural causes of criminality and geared only towards supporting, or worse still stoking, the repressive moods and fears present in society" (Criminalidad y globalización, 2006).

Complexity is the most important defining characteristic of the risk society (Beck, 1998), and of the new landscape confronting modern criminal law (Jakobs, 2004). Therefore, with respect to contemporary manifestations of corruption, sufficiently rigorous measures are required to cover the magnitude of the threat to the rule of law and the complex operating conditions established by the criminal schemes, which infiltrate and permeate all public powers (UNODC, 2015) and the private sector (Ruiz López, 2018).

One example of this complexity is natural or legal persons situated in a grey area with respect to organized crime, since the liberal professions are often exploited to provide real, legal support networks to the criminal structure, specifically for carrying out corrupt acts. Something else in this grey area that must be addressed is the collection of resources of different origins that, as reserves, serve as a fund spread among various financial products and companies in multiple countries, from which the resources for paying bribes are administered and allocated.

Given that grand corruption is complex and particularly damaging for society, the Office of the Attorney General of Colombia must use all the resources at its disposal to tackle it.

The identification and characterization of the magnitude and gravity of this threat was decisive in the decision to restructure the Office of the Attorney General in mid-2017. The new organizational structure entails the leadership of a publicly managed project, which has strategically assigned a greater quantity of resources to the specialised prosecution of macro-criminality in its various manifestations.

The restructuring created the positions of Delegate against Organized Crime and Delegate for Criminal Finances. The aim is to specialize the criminal response, conduct intelligent prosecutions involving criminal, economic, financial and asset-seizing components, and make progress in integral, strategic and analytical investigations with the support of specialized judicial police and an interdisciplinary body of analysts.

Specifically, the complexity in the integration and functioning of criminal organizations linked to corruption requires us to encourage investigative strategies that take into account the fact that these cases are transnational. This means not only strengthening and expediting the tools of international cooperation,

"The co-perpetrators (in intentional crimes) form a system by organizing their relations into a "joint plan of action". They reciprocally assign each other roles for this purpose. The systemic injustice arises as soon as at least one of them, in accordance with their role, enters into an unjust relationship with the social environment. Their relationship and its injustice are extended to the system because this perpetrator not only acts "in their own affairs" but (also) as an operative of the system. If preparations are made to directly implement the plan of action, the definition of an attempted action is met (§ 22 StGB Attempt definition: A person who, having envisaged an act, immediately prepares to carry it out attempts that act) for the whole system. If the person carries out the plan of action to the end, the injustice of the execution of the act is established for the whole system (…)".

but also using special, tried and tested investigative techniques to break up criminal structures, such as undercover agents and controlled deliveries.

Consideration of the resources allocated to criminal prosecution, in connection with the most serious manifestations of criminality dealt with by the Office of the General Attorney, also entails reviewing the tools already available, and searching for alternatives. This review should consider strengthening procedures for cooperating with the justice system based on informing or leniency when these constitute effective tools for detecting corruption plots and obtaining the information required to unravel them.

The aim of a judicial-procedural institution of this type is not only to meet an operational objective of the criminal system but also to establish through deeper analysis the factors that contribute to and facilitate criminal activity. Obtaining useful, relevant information is essential for preventing, detecting and prosecuting crimes that by their nature and means of execution are extremely complex for the state punitive system to understand and tackle.

Néstor Humberto Martínez
ATTORNEY GENERAL OF THE NATION

HE IS A JURIDICAL SCIENCES AND SOCIOECONOMICS DOCTOR OF THE PONTIFICIA UNIVERSITY JAVERIANA OF COLOMBIA; HE IS A SCIENCE ECONOMIC, COMMERCIAL LAW AND FAMILY LAW SPECIALIST OF THE SAME UNIVERSITY AND SOCIETIES MAGISTER OF THE INSTITUTE OF THE INSTITUTE OF JURIDICAL INVESTIGATIONS. FOR OVER 36 YEARS HE HAS SERVED AS UNDERGRADUATE AND POSTGRADUATE TEACHER OF DIFFERENT LAW FACULTIES AS A JAVERIANA UNIVERSITY, SERGIO ARBOLEDA UNIVERSITY, ROSARIO UNIVERSITY AND THE ANDES UNIVERSITY. HE HAS BEEN RECOGNIZED FOR HIS VARIOUS PUBLICATIONS IN COMMERCIAL AND FINANCIAL LAW, IN ADITTION, HE WAS DEPARTMENT OF ECONOMIC LAW DIRECTOR AND THE POSTGRADUATE DEGGREE IN COMPANIES LAWS FROM 1987 TO 1992. HE WAS A SPECIALIZATION IN COMMERCIAL LAW DIRECTOR FROM 2007 TO 2014 AT THE JAVERIANA UNIVERSITY. ADDITIONALLY HE HELD SEVERAL PUBLIC POSITIONS AS PRESIDENCY MINISTER, INTERIOR MINISTER, JUSTICE AND LAW MINISTER BANKING MANAGER, FRANCE AMBASSADOR AMONG OTHERS.

THE TODAYS ORGANIZED CRIMINALITY IS SHOWED IN DIFFERENT WAYS; IT IS NOT HOMOGENEOUS, EXCEPT FOR SOME CONSTANTS, EVERYDAY IT BECOMES MORE COMPLEX AND DIFFICULT TO EXPLORE.

GOOD PRACTICES FROM THE AUDITING PERSPECTIVE IN THE COLOMBIAN NATIONAL ARMY

1. The concept of good practices from the auditing perspective. According to the Pan American Health Organization (PAHO), a "good practice" is any experience with principles, objectives and procedures suited to a specific context or an agreed parameter that produces the desired results. In short, a good practice is one that following implementation brings the desired results given the parameters of the context in which it is carried out.

From the psychological perspective of learning, as animals we tend to repeat behaviour that is favourable to us and to avoid behaviour that is detrimental to us. We can learn from our own experiences or from the experiences of others. In the latter case, this can be called imitation. José Carlos Sánchez (2009; p 111) wrote: *According to Bandura's Social Learning Theory, most human behaviour is learned by observing models performing the behaviour in question, this being one of the most powerful means of passing on values, attitudes and thought and behaviour patterns (Sánchez, 2006).*

In conclusion, a good practice is a set of actions that occur in a particular context, with benefits that can be expected to be replicated by external observers. And by replicating them, these external observers can learn from them. Thus a good practice may also be interpreted as an educational model or a teaching/learning model.

The common factor between these definitions is the context in which the good practice occurs. Auditing is one such context in which it is possible to talk about good practices.

To refer to auditing as a context, one should refer to 1993 Law 42, which establishes how the financial auditing system is organized and what bodies implement it. Part of Article 8 states that: The monitoring of the State's management of finances is based on an assessment of efficiency, economy, effectiveness, equality and valuation of associated costs , in a way that makes it possible to establish within the administration, over a given period of time, that resources are allocated in the most suitable way to maximize results, that, under equal quality conditions, goods and

services are obtained at the lowest cost and that results are achieved in a timely manner and in line with the objectives and goals.

To summarize, the State must ensure that its resources are used properly to maximize its results. The legal definition contains the elements that establish the context of auditing. These include the nature of the associated costs, the exact moment of the monitoring, and the expectations in terms of effectiveness, efficiency, savings, opportunity and coherence between the results of the management of the subject being assessed and the proposed goals and objectives.

In compliance with the constitutional mandate and in accordance with the law, auditing in Colombia uses models, methods and tools that are sometimes defined by leading international organizations in the field.

Insofar as these international organizations have the world lead for various aspects, including the auditing that should be applied nationally, good practices represent the mandate, the model to be followed defined by those bodies. One such body is the International Organisation of Supreme Audit Institutions (INTOSAI).
(...) INTOSAI has provided an institutionalised framework for supreme audit institutions to promote development and transfer of knowledge, improve government auditing worldwide and enhance professional capacities, standing and influence of members SAIs in their respective countries. In keeping with INTOSAI's motto, "Experientia mutua omnibus prodest", the exchange of experience among INTOSAI members and the findings and insights which result, are a guarantee that government auditing continuously progresses with new developments.

Another international reference is the Latin American and Caribbean Organization of Supreme Audit Institutions (OLACEFS), the 2012 founding Charter of which states that it is *(...) an international, autonomous and non-political organization established as a permanent institution that performs specialized scientific research functions and develops tasks for study, training, specialization, advisory and technical assistance, information and coordination at the service of its member states and aims to promote relations between the latter, all for the purpose of promoting their development and improvement.*

In short, auditing guidelines come from the collective building of members associated with international bodies which represent the highest technical and scientific reference in the area. These bodies define the good practices to be followed by the institutions.

2. The national army and auditing

Within the framework of the administrative structure of the State, there are multiple administrative sectors. Colombia's national army is a public institution which is part of an overarching organization, the Ministry of Defence.

As a public entity, the Ministry of Defence requires resources to achieve its objectives, i.e. it is a public organization that manages public resources to fulfil its constitutional mandate. Just as any entity, its functioning requires all its levels and components to be monitored. The Ministry of Defence has its own internal auditing system, but in turn it is also audited by the Comptroller General of the Republic.

In this sense, the object of the auditing, which is the use of public resources, can be observed through the implementation of the action plans of the entities that make up the sector. This means that proper planning and implementation of the institutional action plans, including those of Colombia's national army, guarantees good auditing results in the Ministry.

Auditing is an administrative function that aims to determine the extent to which the institution's objectives have been fulfilled by comparing what was planned with what has been implemented. Auditing results contribute fundamentally to the organization's learning process. From the results, one can compare what was achieved with what had been planned. Colombia's national army has historically been an exemplary institution for organizational learning.

Good practices in the national army

The environment and the context in which an institution develops define the course that an entity must follow based on its mission. The context is a set of environmental factors, so it is dynamic.

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1993 LAW 42 ON THE WAY THE FINANCIAL AUDITING SYSTEM IS ORGANIZED AND ON THE BODIES THAT IMPLEMENT IT.

Armed conflict in Colombia has served as a context for the Colombian army to learn and transform itself, taking into account the surrounding conditions. Violence in Colombia in the 1950s was different to the violence in the 1990s, and also to any violence we might be experiencing today. The factors that fuel the dynamics of the conflict also vary, and political, economic and social motives are forever changing. Colombia has seen its army constantly adapt to face the huge challenges it is confronted with as part of its mission.

But the conflict also feeds off corruption. This social disease has spread to all sectors and levels of our society. As public servants we must protect our institutions. When institutions deteriorate because of corruption, the development of the whole country is at risk. Here we should highlight the development theory put forward by Acemoglu and Robinson in "Why Nations Fail". The authors talk about the so-called institutional theory, which can be broadly explained as follows: a promising society is one that has solid institutions, thanks to factors such as broad citizen participation in government decisions and more widely in the whole administrative cycle of the State. By contrast, warns the theory, a society with weak institutions driven by personal interests that go against the general interest is a society that tends towards chaos and developmental regression. In this regard transparency appears as an attribute of society, of its institutions. Always acting with transparency, promoting it, stimulating its development are strategies for defeating a common enemy, corruption.

The level of institutional maturity of the Colombian army is such that it uses its publications to capitalize on the institutional knowledge it has amassed. The thematic contents of institutional publications are a valuable strategy to preserve the memory of society through public governance. This is in line with the "Integrated Model for Planning and Managing" contained in 2017 Decree 1499, which is composed of seven dimensions implemented through multiple administrative development policies, including the "Management of Knowledge and Innovation". By setting up entities in its organizational structure such as the Army directorate for the application of transparency standards (Dirección de Aplicación de Normas de Transparencia del Ejército – DANTE), the Colombian army shows that it is implementing the above-mentioned policy, but in doing so is going beyond the operational realm; the putting into operation of DANTE is an example of strategic vision in which the need to have a specific team to manage Transparency as a line of organizational development is identified. According to General Alberto José José Mejía Ferrero, DANTE *is "(...) an initiative that seeks to consolidate a cultural shift, by constantly increasing transparency with regard to civil society, visualizing in a detailed manner each of the processes carried out by the institution, thereby seeking to reinforce the highest ethical principles at each level, from where the great strategic asset that is the trust placed by the Colombian people in their army is protected".*

This definition contains in itself various elements that should be analysed to understand its scope. Talking about an initiative tacitly implies that the institution is starting a process and that this is one of various possible options for organizational development. Furthermore the definition mentions a cultural shift, showing the impact that has to be achieved. It also mentions transparency when interacting with civil society. This shows that the Colombian army has a clear understanding of the importance of citizens for its development and uses it as a guiding principle. Lastly and accordingly, trust is noted as a fundamental value in the relationship between State and society.

Recognizing the creation of institutional synergy as a fundamental contribution to the fight against corruption, defining a model for combating this scourge, with clear objectives and elements to guide its actions, establishing responsibilities for the coordination of management and defining a series of stimuli to promote and sustain the model constitute strong proof that DANTE is a good practice for fighting corruption.

Our society needs these good practices to multiply or the other institutions to provide an account of what they are doing to fight corruption.

The fight against corruption. Common institutional elements.

Tackling corruption is a moral obligation for all societies. To that end, the institutions have taken steps to adapt their administrative apparatus. The Office of the Auditor General of the Republic (AGR) has done so too.

The AGR contributes to the transformation, clean-up and modernization of the bodies set up for auditing purposes by promoting the principles, objectives and

The Management of Knowledge and Innovation transversally strengthens the other dimensions (Strategic direction and planning, Value-based result-oriented management, Human talent, Internal auditing and Information and Communication) in respect of which knowledge that is generated or produced within one entity is key for its learning and development. Integrated Model for Planning and Managing. Consejo para la Gestión y el Desempeño Institucional. 2017. Page 75.
Cartilla de Educación y Entrenamiento del Ejército CEE 1.0-1 ABC de Transparencia del Ejército Nacional. 2017. Page V.

missions of the administrative function enshrined in the Political Constitution, fostering a culture of self-monitoring and stimulating citizen participation in the fight against corruption.

In the 2017-2019 period, the AGR applied its methods to several strategic pillars, including transparency; one of the strategic objectives of the Institutional Strategic Plan "Auditing for Peace" is: "To contribute to restoring the trust of citizens in auditing, by implementing the Integral Institutional Anticorruption Strategy".

Given the wide range of existing norms on anticorruption (2011 Law 1474 (Anticorruption statute); 2014 Law 1712 (Transparency and right to access national public information) and 2015 Law 1755 among others), there was a need to build a single work plan that would bring together all the activities focused on developing the levels of transparency in public management and on countering the culture of corruption.

In short, the Integral Institutional Anticorruption Strategy condenses the various initiatives that the entity adopts on the same matter, not only guaranteeing the effectiveness of the implementation of planned activities, but also doing it efficiently, avoiding an overlap of disjointed actions.

Corruption is on the same level as terrorism. A common enemy that transcends borders.

In today's globalized world, international relations are determined by the development interests of States and economic agents in the market. The 1990s brought about the end of the Cold War and the establishment of a new world order different to that created by World War II. The fatal attack on the Twin Towers was the event that marked a decisive, global change with regard to the nations' policy for defending stability and peace. But the stability and order required for international democracy may not only be threatened by armed forces; a nation may also be destabilized by corruption too.

Being part of international organizations such as the Organisation for Economic Co-Operation and Development (OECD) and the North Atlantic Treaty Organization (NATO), to name but a few, are strategic decisions for the development of the country and are based on the exchange of good practices. These bodies, by their very nature, have compromises on which their members agree, leading to established protocols, or "codes of conduct" to reach those agreements.

The Colombian army is an institution whose progress has helped Colombia be welcome within those organizations. Practices such as DANTE should be part of a strategy to strengthen the organizational development of public institutions for fighting against corruption. A good practice ceases to be a good practice when it is not replicated, and it would be a shame to lose this valuable asset of public administration.

Carlos Hernán Rodríguez Becerra

GENERAL AUDITOR OF THE REPUBLIC

SPECIALIZING LAWYER IN CONSTITUTIONAL AND ADMINISTRATIVE LAW, HE IS CONSTITUTIONAL LAW MAGISTER OF THE LIBRE UNIVERSITY OF COLOMBIA. HE WAS CHOSEN AS GENERAL AUDITOR OF THE REPUBLIC FROM 2017 TO 2019 PERIOD. HE HAS WORKEDIN DIFFERENT POSITIONS IN THE PUBLIC SECTOR AND AS A TEACHER. HE HAS PARTICIPATED AS A SPEAKER IN CONGRESSES FORUMS AND SEMINARS IN PUBLIC AND PRIVATE LAW AND HE WAS ADVISOR CONSULTANT TO THE INSTITUE OF PERPECTIVE OF VALLE UNIVERSITY AND HE WAS A MEMBER OF THE RESEARCH GROUP OF THE PUBLIC POLICIES OF THIS UNIVERSITY (IT WAS ACCREDITED BEFORE COLCIENCIAS A TYPE). HE WROTE DIFFERENT PUBLICATIONS STAND OUT STRUCTURE AND ORGANIZATION OF THE COLOMBIAN CONSTITUTIONAL STATE AND MANAGEMENT, CONTROL AND FISCAL RESPONSABILTY OF THE COLOMBIAN PUBLIC ADMINISTRATION.

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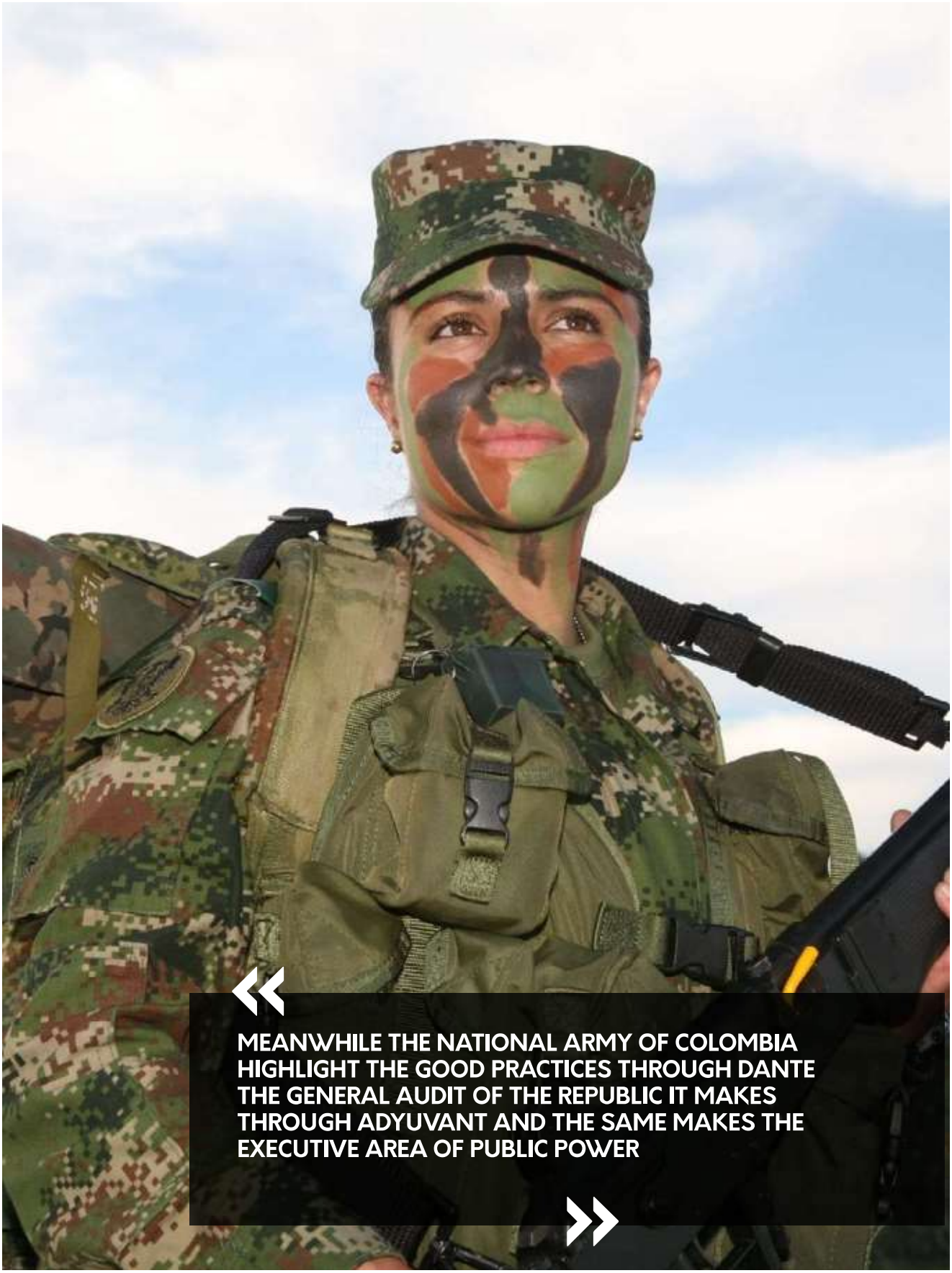

MEANWHILE THE NATIONAL ARMY OF COLOMBIA HIGHLIGHT THE GOOD PRACTICES THROUGH DANTE THE GENERAL AUDIT OF THE REPUBLIC IT MAKES THROUGH ADYUVANT AND THE SAME MAKES THE EXECUTIVE AREA OF PUBLIC POWER

INTEGRITY, TRANSPARENCY AND ACCOUNTABILITY IN THE MANAGEMENT OF DEFENSE PERSONNEL

BUILDING EFFICIENT, EFFECTIVE AND LOYAL FORCES TO ACHIEVE SUSTAINABLE PEACE

"Integrity is the link between behavior and principles. In institutional terms, integrity is directly related to good governance. In order to strengthen the integrity of the institution, the principles that we wish to represent must be institutionalized, and staff must also be made aware of these standards "(Paragraph 3 of the NATO Integrity Development Policy).

At the Warsaw Summit, on July 9, 2016, NATO heads of state and government approved the Integrity Development Policy (Building Integrity, BI).

The Policy for the development of integrity constitutes a milestone. It is the result of more than a decade of support for the specific development of institutions and capacities - tailored and offered to allied and NATO-associated countries - to help them reform or transform their defense estates. It also draws on the specific challenges that arose during the largest operation ever led by the Alliance in Afghanistan. In this way, the Policy for the development of integrity becomes a new reference, recognizing that corruption and bad government undermine peace, security, prosperity and operational effectiveness. From that recognition, the Policy for the development of integrity intrinsically reinforces the fundamental role of people, in ensuring that their institutions are strong, effective, efficient and resistant to any type of threats that are more visible or less visible. , tangible or hybrid in nature; It also recognizes that defense institutions must be responsible for their personnel, whether civil or uniformed.

Principles of NATO integrity development and human resources management: understanding the change

The NATO Integrity Development Policy was instituted in November 2007, to assist NATO allied and associated countries in initiating and carrying out reforms within the defense and security sector related to the defense, with the ultimate goal of ensuring that these institutions can operate efficiently and effectively to safeguard national, regional and international peace and stability. This way, from the beginning, the Integrity Development Policy was launched to specifically address the proper management of personnel, financial and equipment resources. These areas do not work with decontextualized approaches. On the contrary, the management of each of these three functional resources is markedly interconnected. First, the way in which each of these resources is managed affects the functionality of the institution itself. Secondly, the personnel management approach affects not only financial and material resources, but also human resources themselves.

In this way, if we recognize that institutions make people (corporate culture), it is equally successful to see the other side of the coin and recognize that people make institutions. It is not about who comes first and changes to the other (something like the dilemma of the causality of the egg and the chicken). Rather, it is about complementarity, since both institutional culture and personal behavior feed and complement each other, so that - in short - the institution ends up representing more than just an operational function.

The Policy for the Development of Integrity addresses the issue of defense estates and how the key principles of integrity, transparency and accountability are applied. In particular, the concept of integrity is very difficult to address, for the simple reason that it is a subjective concept. Civil, military or security forces personnel around the world understand integrity based on values inherited and instilled by education received in the family, school, religion or professional life, among others. Due to the subjective and so heterogeneous nature of the concept, the word integrity has several translations and definitions, especially regarding its applicability in a public sphere, such as the defense sector and defense-related security. However, the countries participating in the NATO Integrity Development Policy - such as Central Asia, Colombia, the countries of Northern Europe, North Africa and the Middle East - all converge and incorporate the concepts of ethics, professionalism, leadership by example, reliability, honesty, morality and equity, among many others: in short, attributes related to individual behaviors.

There are numerous examples of poor integrity in the specific field of defense and defense-related security. They range from corruption cases (sophisticated small and large-scale systems) to any type of fraud, promotion, employment or downgrading without merit, etc. The consequences of poor integrity in the defense and security related defense sectors are very important at the strategic, operational and tactical level; hence its importance. They damage reputation and credibility, and can affect operations, with the consequent loss of effectiveness. Poor integrity can also result in a loss of trust, in general and mutual, and among the people themselves, within a group or within the organization.

- Heads of state and government of the 28 countries of the Alliance. The Policy was developed and agreed by the NATO countries and associated to the Council of the Euro-Atlantic Association, with the participation of Afghanistan, Australia and Colombia (53 countries in total).

In an extreme case, the consequences of poor integrity may include loss of life. This list is not complete. There are currently various government crises around the world, and there is a shortage of financial resources after the financial crises already experienced at the beginning of the 21st century. To this we must add the cost of managing the crises and the need to be constantly ready to face new threats and security challenges. In this context, no government can lose lives and funds due to improper management of its resources.

Application of NATO integrity development principles to human resources management: the process

As described in article 5.7 of the Association Action Plan - Construction of institutions for defense (Partnership Action Plan for Defense Institution Building, PAP-DIB) - which is the NATO bible for the implementation of reforms in the sector of defense and defense-related security - the development of effective and transparent personnel structures and practices requires the following elements: training and education; the promotion of knowledge about international humanitarian law; provisions aimed at transparency in the processes of promotion and professional development; and the protection of civil rights and freedoms of members of the armed and security forces. This reflects the concept of integrity mentioned above: values are instilled with education and training of the workforce. The extended professional development programs offered to the workforce are essential to help them grow within the institution and keep up to date with new business practices and equipment; so that the organization can evaluate the skills, capacity and potential of its staff; and to ensure the promotion of staff to positions of more responsibility and leadership. Such an empowering policy certainly helps to build respectability, accountability, reputation and ownership of the institution throughout the person's professional career, but it goes much further. An employee who is treated with equity, transparency, trust, responsibility and empowerment throughout his career will be the best defender and spokesperson of the institution once retired, or when facing a career change.

The NATO Self-Assessment Questionnaire on Integrity Development specifically addresses these elements.

Chapter 4 of the Questionnaire is specifically dedicated to personnel management. Other sections of the Questionnaire are complementary to the personnel management review, and also cover the supervision of human resources management or operations. However, we must emphasize that, in chapter 4, the criteria used to analyze and review human resources management are the specific rules of conduct, policy, training and discipline. This clearly reflects the causality between the individual and the institutional, as expressed in the Policy for the Development of Integrity. Therefore, any country or institution in the defense and security-related sector that is willing to review the applicability of the principles of integrity and good governance should take into account personnel management, including the following areas:

- Existing regulations regarding bribes, gifts and social care, conflicts of interest and the corporate declaration on social care;
- The existence and dissemination of a code of conduct;
- If the regulations are supported by a code of ethics or values and the way in which they are known and incorporated into the organization;
- The current framework established to support the implementation of the Code of Conduct;
- The applicability of standards for staff and if they differ between different categories of staff;
- The identification of sensitive positions and the need to rotate the personnel who occupy those positions;
- The creation of policies aimed at promoting people based on their merits and career planning mechanisms;
- The development of integrity training and its dissemination to all staff.

Principles of integrity development in human resources management: the Colombian case

The participation of the Colombian Ministry of Defense in the Policy for the Development of NATO Integrity highlights its interesting experience at the national level. The implementation of the NATO Self-Assessment Questionnaire on the development of NATO integrity and the peer review process ended in August 2016, and revealed a unique commercial practice within the armed forces, which reflects a thorough understanding of the link between the personnel and the institution and the way in which the Colombian Ministry of Defense implements the principle of integrity in the Policy for the development of integrity.

- The NATO PAP-DIB was agreed in 2004 by the heads of state and government, at the Istanbul Summit. This Action Plan is the basis of NATO for reform within the defense and security sector related to defense.

The DANTE initiative was launched at the same time that the integrity development process was completed, first in the Army. At the moment it is spreading in other services: the Air Force, the Navy and the police. The DANTE initiative disseminates the norms, standards and values of the Colombian Army, personified and raised by each soldier who defends his institution with honor and loyalty. The DANTE initiative personalizes each of these values, and evokes the importance of serving by example at all levels. In this way, DANTE symbolizes the way in which NATO's Policy for the Development of Integrity understands and addresses integrity issues as a vector for change. For this reason, in the framework of the Policy for the development of integrity, representatives of the Colombian Army are regularly invited to share their ideas on the development of integrity, as one of the essential values of the defense sector management in particular. At NATO, these examples of national experiences are appreciated, for the benefit of NATO and for the contribution to other countries of the integrity development program, specifically those facing threats and direct security crises.

BENEDICTE BOREL

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THE DANTE INITIATIVE CUSTOMIZES EACH ONE OF THESE VALUES AND TO EVOKE THE IMPORTANT OF TO SERVE WITH THE EXAMPLE IN ALL LEVES.
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INTERNATIONAL TRANSPARENCY, DEFENSE AND SECURITY

Over many years, first as the Second Permanent Secretary of the United Kingdom Ministry of Defence and later as the Chair of our Serious and Organised Crime Agency (now the National Crime Agency), I have had the opportunity to observe the progress of Colombia's fight against corruption. During my own years of public service, I had first-hand experience of how important, and difficult, it can be to address governance challenges and reduce corruption risk, especially in defence and security.

Corruption hampers development. Resources are siphoned off, institutions are undermined, economic opportunities choked off and the trust of civil society in governments is damaged. Corruption enriches the few at the expense of the many. But it is also a major driver of insecurity and should be a central issue for those working on defence and security issues.

There is an established empirical link between corruption and insecurity. Once countries reach a certain level of corruption, there is a point at which a small increase in corruption can precipitate a large increase in political instability and violence, organised crime and homicide, domestic insurgency and conflict. The consequences for all concerned can be dire.

Correlation of course is not causation, and not every case of insecurity is related to corruption. However, it is often a significant underlying cause:

1 Corruption creates the conditions for unstable societies. It is well established that corruption makes countries poorer. This in turn creates inequalities and leads to unstable societies.

Corrupt societies deny their citizens equal access to security and justice, leaving whole sections of the population feeling marginalised, isolated, and discriminated against.

2 Corruption fuels the narrative of those who wish to see the state fail. Perceptions of grand corruption and the misuse of entrusted power for private gain – the generally accepted definition of corruption by Transparency International (TI) – fuel the narrative of groups like Boko Haram and ISIS. They also implicate the international community for its apparent support of corrupt leaders and they relate this directly to the corruption that affects people's day to day lives. They focus particularly on those issues that resonate on both a moral and practical level – like justice and security – and pretend that they, unlike previous regimes riddled with corruption, can provide basic services that marginalised and disadvantaged people need.

3 Corruption is often passively described as a cancer, something that is harmful, but incipient and unavoidable. But that is not always the case. It can be used, intentionally, as a tool of foreign policy, where elites of one state corrupt elites of another to secure influence and shape decisions by undermining and eroding confidence in its institutions. This can be particularly corrosive in strategically important sectors such as energy or defence, as evidenced in recent years in Ukraine.

4 And corruption critically undermines the ability of states effectively to respond to insecurity. Armed forces that are weakened by corruption and corrupt systems struggle to address crises, conflict and and violence once they occur. Servicemen and women are denied the right equipment that they need to win, or even survive, on the battlefield; funds which should have been available for their wellbeing are diverted; examples of “ghost soldiers” who only exist on paper are legion; and senior appointments do not reflect the professional competence of those who occupy them. It impacts directly on mission success.

ISIS, for example, succeeded in Iraq because its forces were well-organised and equipped with captured equipment, while the enormous sums of money invested by the international community in the Iraqi security forces delivered poorly coordinated institutions where accountability was so low that an estimated 50,000 ghost soldiers were on the payroll. When Mosul fell, ISIS were not facing the heavily equipped formation of 30,000 that existed on paper; but rather a hollowed out, demoralised force enfeebled by endemic corruption.

The scale of defence expenditure is rising around the world, and it is rising most rapidly in exactly those states where standards of governance are weakest. Over a third of military spending is by countries with no meaningful budget transparency as measured by TI's Government Defence Anti-Corruption Index, and they are often the most impoverished. Almost half of African states spend over 5% of their national budgets on Defence.

However, this is not just about the size of budgets. Militaries are often at the heart of the state on whose behalf they exercise power. In many countries, they are repurposed towards wealth extraction to benefit military and government elites. They often control major government contracts, enjoy huge tax breaks and benefit from the use of cheap conscript labour. They monopolise a space which should be accessible to many, and resentment festers; and they are so often at the forefront of the state's violence towards its citizens – whether running illegal enterprises, or extorting money or other benefits from them.

And yet, defence is often the last area to be impacted by efforts to build institutions that are capable of creating security instead of adding to insecurity, and to embrace transparent and accountable governance. Parliamentary committees, judiciaries, audit offices, and anti-corruption bodies are growing in authority in many countries. But defence so often remains off limits for reasons, valid or not, of "national security" – perhaps the easiest card to play if you do not want to do something. Parliaments and audit offices are prohibited from overseeing defence; even ministries of finance do not have access to defence budgets in some countries. In many, civil society organisations are reticent to challenge this huge concentration of wealth and power; in others they are ignored, or worse, silenced.

For many years I have supported TI's efforts to persuade defence ministries and armed forces around the world that the military should be accountable to the people.

But from my experience, these ideas are far from universal or accepted by many militaries, and those pushing for reform domestically often have very little in their armoury to help make the case. TI provides some support – tools like the Government Defence Anti-Corruption Index, training, research and practical toolkits based on international best practice. But all this may still not be enough when the underlying idea that defence should be accountable to its people is still highly contested.

There are also some global strategic issues. For some time, TI has been exploring the feasibility of creating new norms for the governance of defence institutions. Responsible nations need to join forces to create a common international understanding that there are acceptable ways of managing military power, based on accountability and basic transparency through which domestic oversight over policy and budgets can be exercised.

A stronger international consensus around responsible defence governance would make it more difficult for those invoking "national security" to evade legitimate and constructive scrutiny from independent institutions and experts, such as auditors, anti-corruption institutions and civil society.

The proposal is to enshrine global defence governance standards in a new international initiative: "The Declaration on the Responsible Governance of Military Power". The codification of norms, like the Universal Declaration on Human Rights, can have a seismic impact on international behaviour if a significant majority of the international community coalesce around a set of ideas.

The "Global Standards" initiative envisages the creation of an international political declaration, which would define acceptable norms around what it means to be a responsible power in the 21st Century. Such a global consensus would set a clear standard in the international community that militaries should be accountable domestically to their citizens and other institutions of the state.

Unlike other international instruments concerning proliferation or the use of force, the Declaration on the Responsible Governance of Military Power would not prescribe rules for what sovereign states can and cannot do, but would set out the principles of what responsible governance and decision-making looks like at the domestic level. But this needs to be driven and owned by the states themselves.

What does this mean in practice? Starting small, an initial drafting group of five to seven founding governments would be the ideal size. This group of founders would formulate the principles that will form the basis for the political Declaration, and gather momentum amongst potential signatories to press towards the universal adoption of these emerging norms. The signature event would be a critical milestone; a moment at which the signatory states would declare their commitment to a new set of global standards.

To achieve the maximum impact, the Declaration will require the engagement and support of civil society if it is to be empowered to hold their governments to account for its implementation.

Colombia has been an important partner in this initiative, and the first country to show a lead by stepping forward to join the group of founders.

In recent years, Colombia has come a long way in fighting corruption. While successive governments may have worked to promote transparent institutions, the defence sector has been included in these efforts only fairly recently. Those efforts were reflected in Colombia's overall B rating 'in Transparency Internationals Government Defence Anti-Corruption Index (GI) in 2015-

There is recognition of the need for visible and committed ownership, both political and executive, of the agenda across government, the armed forces and civil society. The leadership of the armed forces and the Ministry of Defence have publicly highlighted the importance of responsible defence governance and have taken strong measures. The professionalisation of the military and the police, including the dismissal of corrupt individuals, and working to ensure that those in the front line have the right skills, the right equipment and the right information to succeed will make their mark.

The establishment in 2015, of the Army Directorate for the Application of Transparency Rules (DANTE) was also a significant first step, as is the inclusion of “Transparency” as one of the core values of the Army. Ethics and integrity should now be embedded in doctrine, training and culture at all levels and inform the approach to every strategic priority. This has included investment in Building Integrity training for senior officers and will be key to the Army's ability to engage both domestically and in support of international peacekeeping missions.

WBut as Colombia continues to play a prominent role in improving defence governance worldwide, there are challenges ahead which will still have to be addressed. Some of the main risk lies in the gap between existing legislation, implementation in practice and the effectiveness of independent oversight. Any government seeking to be a champion of good governance in defence ought to ensure that defence procurement is conducted through fair and open competition, except in clearly defined and limited circumstances. It will also be imperative to engage with Freedom of Information requests in a constructive and effective manner. Mitigating corruption risks in defence will require a robust, disciplined and integrated approach on the part of the government; and much remains to be done.

With sustained effort, Colombia will be able to play a crucial role in helping the international community to shift the dial on defence corruption. Other nations and their armed forces have much to learn from Colombia's experience gained over many decades of countering domestic insurgency. We are in an era of major transformation. The world is experiencing seismic shifts in the balance of hard and soft power, and there is a limited window of opportunity to universalise values of integrity, transparency and responsible governance.

SIR IAN ANDREWS

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« THE PROPOSAL CONSISTS IN CONSECRATING THE GLOBAL STANDARS OF GOVERNANCE IN DEFENSE AS PART OF A NEW INTERNATIONAL INITIATIVE DECLARATION ON THE RESPONSABILITIE GOVERNANCE OF MILITARY POWER. »

INSTITUTIONAL INTEGRITY BUILDING STRATEGIC CHALLENGES AT THE REGIONAL LEVEL

The scourge of corruption is a spectre – and unfortunately a very real one – that spreads across the world. There are very few exceptions. And any victories achieved in the fight against corruption disappear very quickly. This essay is a collection of thoughts on the situation in Latin America; it does not present a hemispheric vision, because Canada, the United States and the Caribbean islands are not included. Let's start with Mexico. Mexico is a truly proverbial case, with roots that run deep in its history. I recently read the translation of a series of texts by Andrés Manuel López Obrador, the Spanish version of which was published in 2017 by Editorial Planeta Mexicana under the titles “La Salida” and “Oye, Trump”. The full title in English, which was the language I read it in, is “A New Hope for Mexico. Saying No to Corruption, Violence, and Trump´s Wall”. It is an overwhelming book. The first two lines of the introduction read as follows: “In these pages I want to explain why I regard corruption as Mexico's central problem.” Further on the author writes: “(...) I want to call upon all Mexicans (...) to reach a national consensus that places honesty as a central principle for both the people and government.” And he promises to carve out new paths not only to condemn and eradicate corruption but also find new ways of doing politics with a different economic model and by strengthening the cultural, moral and spiritual values that can revitalize the Mexican nation. Chapter 1 is resounding, from the very first line to the very last. For example, he writes that “the State has come to serve a rapacious minority and, as Tolstoy once wrote, a state that does not procure justice is no more than a pack of miscreants. (...) In Mexico the governing class constitutes a gang of plunderers that operate throughout the country” (page 7). He then ruthlessly adds that “the system has been utterly corrupted. The political and economic powers feed off each other, and

the theft of public goods has become their modus operandi. Corruption is no longer a matter of a few isolated instances, but a systematic practice. (...) Feeding corruption has become the principal function of the State." (page 8). (I wish to remind readers that I am quoting the English because I do not have access to the originals).

The references to previous presidents, Carlos Salinas, Ernesto Zedillo, Vicente Fox, Felipe Calderón and Enrique Peña Nieto and to ministers such as Pedro Aspe, are also very striking. I could note many truly astonishing anecdotes but I will only quote a few statistics from Chapter 2 that are really staggering. In July 1988 there was only one Mexican family on the Forbes list of richest people in the world: the Garza Sada family, with two billion dollars. By the end of the Salinas government, 24 Mexican families had joined the list, with a combined value of 44.1 billion dollars. In 1988 Mexico ranked 26th on the list of countries with the most billionaires. In 1994 Mexico was 4th, just behind the United States, Japan and Germany. And at the same time, it is said two pages later, in terms of economic growth, Mexico fell behind such an impoverished country as Haiti. I would rather not go on with the examples.

López Obrador has announced a 50-point programme to fight corruption, which – it has already been said – was a central theme in his campaign and enabled him to defeat the two major parties, the PRI and the PAN.
The situation is quite similar in Central America.
Guatemala has been considered as a nation with a criminal regime, and its president, his wife and other senior figures are now in prison. The current president ended the United Nations Commission that was helping serve justice for corruption matters in particular. The famous International Commission Against Impunity in Guatemala (CICIG), which was at the end chaired by a former auxiliary magistrate of Colombia's Supreme Court, Iván Velásquez, was suspended, and Velásquez was unable to return to Guatemala. Honduras adopted a similar mechanism, this time on behalf of the Organization of American States (OAS). This is an acknowledgement of the weakness of the internal mechanisms for fighting corruption.
Nicaragua has been in the news these past few months, and you read the worst things, not only in terms of corruption, but also in terms of violations of human rights.
Costa Rica, which seemed further removed from the horrors of corruption, surprised us all when its former president, Miguel Ángel Rodríguez, had to give up his position as Secretary General of the OAS, just two weeks after taking up the job, because he was convicted of corruption. He had been appointed to succeed César Gaviria in the multilateral organization. Other presidents have also been involved in corruption.
And Panama is a separate issue, not only because of the repeated allegations that it is a tax haven, but also because it has seen scandalous cases such as that of President Noriega and recently that of President Martinelli, now in jail.
Venezuela is considered by many as a kleptocratic regime. It is said to be supported by corruption. The US government, repeatedly through its Department of the Treasury, has imposed sanctions on Venezuela's senior leaders and recently, during the United Nations General Assembly in the last week of September, publicly announced sanctions, including against the wife of President Nicolás Maduro. It is understood that these sanctions consist in the freezing of bank accounts and real estate. Unfortunately the US did not reveal the amounts involved. A few weeks ago the Supreme Court, in exile, with the participation of the National Prosecution Authority, also in exile, ordered President Maduro to return tens of billions of dollars.

The book "Estado Delincuente. Cómo actúa la delincuencia organizada en Venezuela" (Rogue State. How organized crime works in Venezuela), by Carlos Tablante, a former Venezuelan minister, and Marcos Tarre, a consultant and columnist for the newspaper El Nacional, with a foreword by Baltasar Garzón, very clearly describes what has just happened in Venezuela. For example, Baltasar Garzón writes that "the classic models of organized crime are obsolete, which does not mean that they have disappeared; rather, they have spread to sectors which the criminal phenomenon had not yet reached. Crimes have shifted from traditional drug trafficking, homicides, extortion and abductions to illegal mining and the exploitation of strategic mineral resources; the methods employed have shifted from assassinations to financial engineering and attacks on the economic systems of various countries; instead of traditional swindling, we are now seeing massive fraud schemes that are shaking up the financial system" (page 23). Further on, he writes: "Things are exponentially more complicated when the boundaries are blurred

between what is legal and what is not and what is irregular and what is not, when the State and its institutions act as economic facilitators in relation to the private sector, and when there is a relaxation of controls in particularly sensitive areas." (page 24) Also noteworthy is the following important consideration: "organized crime has penetrated into many States from the local, national or federal level through the funding of political campaigns..." (page 24).

The authors make the following statement "to conclude": "We are convinced that the Venezuelan society does not have a terminal disease. It still has sufficient energy to prevent and avoid the violence generated by the twin issues of corruption and impunity."

For several years, Brazil has been entangled in terrible corruption scandals. One of those was the famous Mensalao scandal, the most significant corruption case in the political history of Brazil, about which a book by Marco Antonio Villa called "Mensalao" was published by Editorial Leya. Two years ago (26 December 2016), a US judge revealed in a brief ruling the bribe payments made by the international infrastructure building firm Odebrecht, in the case which bears the same name. Soon there were corruption scandals in Peru, Ecuador, Colombia, etc. The judge revealed the amounts of the bribes, which, in some cases such as the Colombian case, were actually below what the Attorney General of Colombia, Néstor Humberto Martínez, had discovered.

The judge also obliged the company to disclose which political campaigns it had supported financially. This is an extremely significant topic which can have unusual political ramifications that go beyond the individual enrichment of people or companies. One of the world's leading oil giants, Petrobras, was fined the equivalent of 1.78 billion dollars by the US Department of Justice and the US Securities and Exchange Commission (SEC) on 27 September 2018, on charges that involved massive bribes to politicians and political parties in Brazil. Petrobras had fraudulently received billions of dollars from US investors while setting up the massive bribing scheme.

In Chile, a country that used to be considered as immune to these practices, there have been cases over the past few years that have led to the creation of a Commission that travelled to Colombia, among other places, to present its conclusions. Though many people consider that there is a lot to be learnt from this exercise, I often say that is not true because I think the Chileans are still in "the age of innocence" in this regard.

The Commission was created by President Michelle Bachelet, and called "Consejo Asesor Presidencial contra los conflictos de interés, el tráfico de influencias, y la corrupción" (Advisory board to fight against conflicts of interests, influence peddling and corruption). It was chaired by Eduardo Engel.

Over the past decades, Argentina has seen various denunciations of corruption, which have not always led to exemplary judicial decisions. The most recent case concerns the so-called "notebooks" scandal, in which a chauffeur kept notebooks and diligently recorded in them the dates, amounts and recipients of an established bribery system involving the Kirchner family, according to media reports.

I was told in Peru that Pope Francis had expressed alarm during his recent visit because five Presidents were entangled in corruption affairs, with some already in prison. (Alan García, Alberto Fujimori, Alejandro Toledo, Ollanta Humala and his wife and Pedro Pablo Kuczynski).

In Ecuador, Vice-President Jorge Glas, elected with Lenin Moreno, had to give up his position; former President Rafael Correa is being investigated and has somehow ended up in Belgium to escape Ecuadorian justice.

I am not going to refer to the Colombian situation, which is maybe the most serious in Latin America, because the recent Anticorruption Consultation was a clear statement by the Colombian people, who are tired and outraged by the great number of corruption scandals that have come to light in the past few years. According to an INVAMER survey in September 2018, 80.2% of respondents feel that corruption is worsening.

It is clear that global companies such as Odebrecht and FIFA have had an adverse effect by contributing to corruption, as have legal firms such as Mossak Fonseca in Panama, whose activities were brought to light with the Panama Papers revelation. Fortunately there are mechanisms such as the one provided by the Foreign Corrupt Practices Act (FCPA), which has universal jurisdiction and which, as mentioned above, has targeted major companies such as Petrobras and other, smaller ones in various countries across Latin America.

Petrobras deplorably ranks 1st in the list of top ten companies that have received the largest fines. This list is as follows:

1. –Petróleo Brasileiro S.A. Petrobras (Brazil): $1.78 billion in 2018.
2. Telia Company AB (Sweden): $965 million in 2017.
3. Siemens (Germany): $800 million in 2008.

4. VimpelCom (Holland) $795 million in 2016.
5. Alstom (France): $772 million in 2014.
6. Société Générale S.A. (France): $585 million in 2018.
7. KBR / Halliburton (United States): $579 million in 2009.
8. Teva Pharmaceutical (Israel): $519 million in 2016.
9. Keppel Offshore & Marine Ltd.(Singapore): $422 million in 2017.
10. Och-Ziff(United States): $412 million in 2016.

The Anti-Corruption Summit in London, in which the then President Juan Manuel Santos took part, recommended implementing an idea that several academics had already promoted, i.e. the creation of an International Anti-Corruption Court. I understand that President Santos supported the proposal and that the new Chancellor, Carlos Holmes Trujillo, acknowledged it as a good idea on several occasions.. I personally am concerned by the growing trend towards the globalization of the administration of justice for human rights, war crimes, arbitrations of various kinds. Admittedly we live in a globalized world but the idea of transferring to the International System the handling of the most important cases of compliance with or violation of the Law, both national and international, raises serious questions. What happened in Guatemala and then in Honduras should be rigorously analysed.

It remains to be seen whether the use of ad hoc foreign magistrates will be effective or not in the case of Colombia's special justice for peace (Justicia Especial para la Paz). The appointment of its magistrates through an international selection committee, also merits close analysis.

In the same vein, the role played by multilateral agencies – with no major successes I would dare to say – should also be acknowledged. The topic remains on the agenda, and I hope that the limitations of the prescriptions already known will be acknowledged. Today for example, the digitalization of procedures and other proceedings is considered as an effective tool in the fight against corruption.

It is incredible to see the resistance of the multilateral agencies to an obvious initiative, namely to assess the tools that have been effective in different countries. The loss of investiture or the notion of unlawful enrichment, or the seizing of assets, all tools that have shown some degree of usefulness in Colombia, have had to be reinforced and, hopefully, copied in other parts of the region.

International agreements, both UN ones and OAS ones, have also shown weaknesses. And by contrast, tools that have proven their effectiveness, such as the whistleblowing tool, have been pretermitted or distorted.

The OAS promoted legislation aiming at protecting whistleblowers, which does not include the strategic topic of rewards, making it ineffectual.

The Department of Justice confirmed in September 2016 that over 37.685 billion dollars recovered was directly attributed to information from whistleblowers. This amount does not include the billions charged in fines or the benefits for taxpayers of having controlled future corrupt behaviour or the agreements normally reached to prevent future criminal behaviour. The Federal Government paid whistleblowers over 6.352 billion dollars as a reward for useful information. These are figures that show the overwhelming success of this tool against corruption. (Source: The New Whistleblower´s Handbook 2017 (page 12 and 13).

Hopefully, the anti-corruption wave which seems to have spread across the region will produce strategies that are actually effective and not purely rhetorical.
The strategic challenge is to rigorously examine the recipes that López Obrador will introduce to assess their effectiveness; the same should be done with what is being applied in Brazil, with what has been announced in Argentina, with what the new Peruvian President is proposing, and with what will soon be introduced in Colombia.
This is a very complex and demanding task that will take several years. But we have spent nearly three decades fighting corruption with little by way of results.
By assessing the new formulas, we will know which tools will need to be strengthened and which will need to be refined. And the international agreements (OAS, UN) will not be the topic of reference or an excuse for not acting effectively.

What the CICIG did in Guatemala, what is going on in Brazil, what the FCPA achieved in the US and in the world, and what has been done and could still be done with the delación premiada (whistleblowing) tool already offer strategies to overcome, truly and without hollow rhetoric, the massive scourge of corruption, organized crime, criminal networks and criminal structures. Will we ever take this threat to democratic governability, to social integrity, to decent lives seriously?

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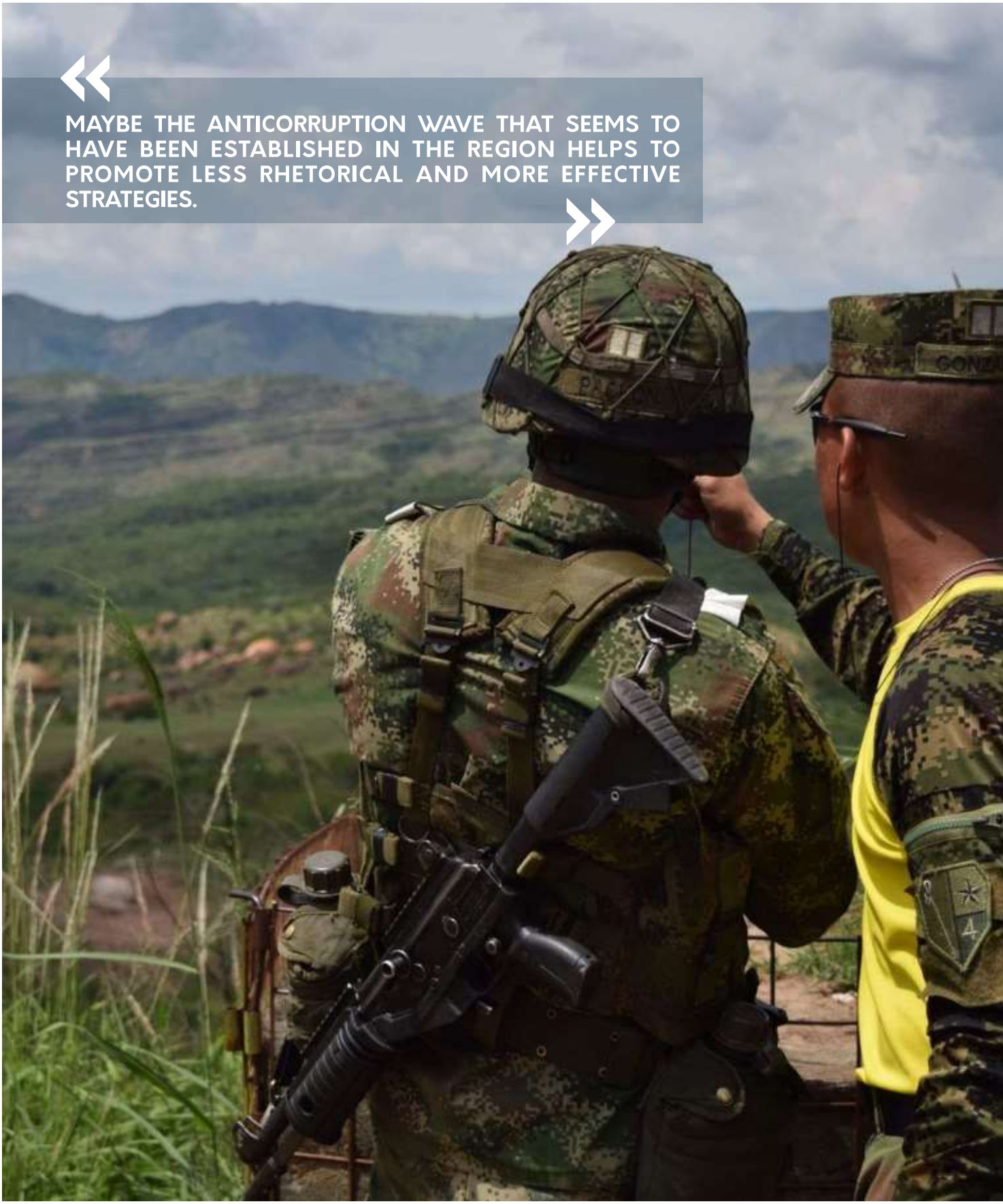

MAYBE THE ANTICORRUPTION WAVE THAT SEEMS TO HAVE BEEN ESTABLISHED IN THE REGION HELPS TO PROMOTE LESS RHETORICAL AND MORE EFFECTIVE STRATEGIES.

SELF-REGULATION, PREVENTION AND PUNITIVE LAW

Self-regulation must be a real tool for control and punishment

No state in the world, not even the most efficient, can control and punish all the illegal behaviour occurring in its jurisdiction; not only is it impossible and inefficient to take action over every instance of irregular conduct, but, in the global context, national laws come up short faced with the magnitude of the relations and situations to be regulated. In other words, heteroregulation, a state's general rules, is neither sufficient nor appropriate for dealing with contemporary phenomena.

Therefore, self-regulation, the rules that every private or public organization creates to apply within its scope of action, is not only complementary but also necessary to prevent, combat and penalize illegal behaviour, especially fraud and corruption (i.e. the abuse of power for individual ends). States' future legislation must primarily focus on the content and requirements that must be included in organizations' self-regulation. These rules must have sufficient tools to truly support the state's efforts at control and punishment; codes of conduct and other tools for self-regulation cannot just be papers kept in desks, with no one responsible for enforcing them.

A good system of regulatory compliance is not the one with the most pages and certainly not the one that imposes the most burdens on the parties concerned. A suitable system of compliance: has a team of people with precise functions to enforce it; is developed according to the characteristics and complexities inherent to the company concerned; and, above all, truly plays a part in mitigating illegal situations that may occur and penalizing officials, employees and managers that break the law.

In this regard, the rules that the Colombian state issues in the coming period – laws or regulations as appropriate – must obligate public and private entities of all types that have their own codes of conduct to have these minimum requirements for them to truly be a tool for preventing and punishing illegality. Those responsible for drafting state regulations must be aware of the aforementioned inadequacy of contemporary states and, therefore, focus their skills and efforts on what is required of organizations' self-regulatory systems; they must be understood as elements that make a decisive contribution to preventing all types of irregular behaviour.

Furthermore, in the framework of punitive law (administrative, disciplinary, criminal), institutions' own regulatory systems must be developed as tools that efficiently complement the state's right to punish, giving it greater coverage and requiring companies and institutions of the state to take on its role in violations of the law, including criminal violations. Ultimately, robust rules in the context of corporate self-regulation will enable the state to focus its activities more on legal entities, leaving punishment of individuals to the companies and organizations they work for in the majority of cases. This is a step on the way to creating a more efficient state and companies more aware of and responsible for their actions. DANTE and the Colombian army in general must focus on moving in this direction: DANTE fights for behavioural change among members of the Army to be based on the creation of its own laws and the improvement of the institution's internal practices.

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CONTROL
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