

ONE MEXICAN JUDGE TAKES THE LEAD IN BEATING BACK GRAFT

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QUERÉTARO, MEXICO – In a country where payouts and bribes have long supplemented salaries and simply been the way things get done, Judge Marcos Aguilar says not everyone was thrilled by his idea: to form a court that punishes public servants accused of corruption.

"Some people really resisted this tribunal," says Judge Aguilar, who presides over the 16-month-old Municipal Court of Administrative Responsibilities in Querétaro and has the power to fine, suspend, and even fire the 4,500 city officials in this colonial town north of Mexico City. "But most of us want to taste a different way to live."



MODEL? Judge Marcos Aguilar heads a new court that oversees government corruption.

Corruption has been one of Mexico's most vexing quandaries, finding fertile ground in the authoritarian rule of much of last century. According to one study, 12 percent of the country's gross domestic product is lost to corruption in the private and public sectors each year.

Things have slowly been changing: the nation passed its first federal open records law in 2002 and public service announcements and commercials denouncing kickbacks have flourished in its wake. But it is innovations in small towns, such as the tribunal in Querétaro, that many say could ultimately change the way things get done across the country.

Five years ago, the state of Querétaro sat at the bottom tier of an anticorruption ranking by Transparencia Mexicana, the Mexican chapter of the global watchdog Transparency International, but by 2005 it had transformed into the nation's cleanest state.

According to the group, 2 of every 100 typical daily interactions with public functionaries in Querétaro involved a payoff, compared with 20 of every 100 in Mexico City.

"There are concrete experiences in Querétaro that could be an inspiration to the rest of the country," says Eduardo Bohorquez, head of Transparencia Mexicana. "This is not a short-term battle; you don't pass a law and a culture automatically grows. But we can get accustomed to asking questions and build a new culture."

Corruption is most recognizable as the *mordida* or "bite," essentially a payoff to avoid speeding tickets or have garbage collected. Such bribes alone cost Mexican households \$2 billion in 2005, according to Mr. Bohorquez's group. But it afflicts the private sector and the top echelons of government, too: Claims of bribery and fraud flew in all directions during the 2006 presidential campaign.

The results of "wrong choices," such as rewarding a contract to a company that's not the most competitive, are immeasurable but most costly, steering economic development down the wrong path.

Power of perceptions

The impact on people's perceptions of corruption, which in turn influence whether or not they participate in it, had long worried Aguilar in Querétaro. "I knew we needed to do something really aggressive to make people believe in the government," he says.

On a recent day he rushes around his office showing off a complaints archive and cameras that broadcast the interior of the court and its staff over the Internet. "This is transparency," he says each time. He talks affably with the employees milling around the building, even though he has the power to fine all of them, except the mayor and the city council.

So far, Aguilar has heard many cases of police officers pulling over citizens and asking for money instead of writing a ticket. Another typical case was of a citizen trying to open a new store as a public functionary asked for a payoff to put the permit through.

The tribunal doesn't yet have statistics on how many claims of bribery have gone down. But, says Aguilar, in the past 16 months, he has fired about 60 public functionaries and received about 200,000 pesos in fines.

The court is just one example of efforts Querétaro has undertaken in recent years to become more efficient and transparent. The municipality set up an autonomous auditing department and a volunteer "transparency commission," to brainstorm ways to make the government more accountable: they proposed, and succeeded, in broadcasting city council meetings over the Internet.

The municipal building itself stands sleekly on a hill above town with windows spanning both sides - so visitors can see in, and public functionaries can see out - a stark contrast to the typical, imposing Mexican town hall.

Signs of Querétaro's success

As a result, Querétaro, a pristine city dotted with shady plazas and cobblestone streets, has drawn foreign firms such as Delphi and Siemens, says Sergio Esteban Villaseñor, president of the local branch of the manufacturing industry chamber. He says that in the past three years, some 25 new companies, many of them foreign, have moved to

the area, creating nearly 5,000 jobs. Mr. Villaseñor says the success can be attributed in large part to the town's recent anti-corruption measures.

Still, Querétaro has a long way to go. The city's challenge, experts say, is to remain uncorrupted - and improve those areas in which it is weak. Research by Mexico City-based CEI Consulting & Research, which monitors corruption in the private sector, shows Querétaro at the bottom of a ranking that measures money spent on infrastructure projects over the last 30 years compared with what has actually been built.

And the culture, nationwide, remains one in which corruption is deeply rooted. Arturo del Castillo, director of CEI Consulting & Research, says that Mexicans typically pay their first bribes at age 12 - to their school teachers. Some 87 percent will have paid some sort of kickback in their lifetimes. Acting as a regressive tax, such payouts represent a much higher cost to lower-income workers.

Although Aguilar says he believes the court in Querétaro, as well as other innovations, can help reduce these statistics, he is not without concerns. But most of the time, he says, he feels the rush of being on the vanguard.

Various states are experimenting with using technology to streamline processes and become less corrupt. Aguilar also points out that another county in the state of Querétaro has formed a court, as has Tepic in the state of Nayarit. Neither is up and running yet, but Aguilar says more than 70 counties have gotten in touch with him to get more information about the tribunal.

"I'm convinced this could become a national model."



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