

**Social Audit in the Argentine Legislature: Obtaining and Publishing
the Affidavits of National Senators
Center for the Implementation of Public Policies for Equity and
Growth – Transparency Division¹**

Summary

This social audit initiative was undertaken by the Transparency Division of the Center for Implementation of Public Policies for Equity and Growth [Area de Transparencia del Centro de Implementación de Políticas Publicas para la Equidad y el Crecimiento (CIPPEC)]. Its mission was to obtain and publish the Affidavits disclosing assets and financial status submitted by national senators. In the broader framework of advocating increased access to information about legislators, a network of more than one hundred volunteers was formed to systematically compel Senators to release their Affidavits. The campaign lasted for four months and concluded with Senatorial Decree (419/02) signed by Dr. Juan Carlos Maqueda, Acting President of the Senate, who declared that the documents must be made available “to the citizens who have made this demand and to any person who should request them in the future.”

Background

Argentina’s Law on Ethics in Public Service (Law 25.188) enacted in late 1999 requires legislators, among other public officials, to submit Affidavits disclosing their assets and finances. This law provides for the creation of a National Ethics Commission [Comisión Nacional de Ética] responsible for investigating, administering and publishing the Affidavits submitted by legislators. This Commission was never created, therefore impeding enforcement of the law in its application to members of Congress.

The Legislative Branch is a key actor not only in the fight against corruption but also in implementing national development policies. In the first instance, it is empowered to consider and enact appropriate legislation for the prevention of unethical behavior and serves as a supervisory body over government entities and authorities.² In the second instance, its chief obligation is to draft and enact laws that provide new opportunities

¹ Prepared by María Baron, vweyrauch@cippec.org

² Through entities such as the General Audit Office of the Nation [Auditoria General de la Nación], the State Counsel [Defensor del Pueblo], monthly summons to the Head of the Cabinet of Ministers or the Accords Commission, or its responsibility in promoting members of the Armed Forces, or appointing Justices to the Supreme Court of Justice.

and tools for economic growth, social inclusion, political participation, eradication of hunger and poverty, and basic health and education. If it is to perform these duties in an effective and responsible manner, the National Congress first must establish clear standards of conduct and internal procedures. The reluctance of many legislators to submit their Affidavits to everyday citizens is just one example of the climate of secrecy prevailing in the legislature. Only 30 of the total of 70 Senators (there are actually 72 but 2 have yet to take office) voluntarily released their Affidavits. The rest did so only when the Acting President of the Senate decreed the mandatory disclosure of this information in response to the demands of civil society organizations and the pressure brought to bear by the volunteer network.

A Legislative Branch that lacks policies to ensure transparency and reciprocal communication channels with citizens allows and encourages corrupt practices that divert resources and distance the institution from its commitment to ensure the wellbeing of society. Moreover, the lack of information prevents the population from exercising rights of which it is unaware, and which are crucial to improving its standard of living. In the words of Joseph Stiglitz, “Access to information constitutes a fundamental component of a successful development strategy. If we are to think seriously about reducing poverty worldwide, we must guarantee freedom of information and improve its quality. (...) If the people in any country love and work for a country and for a more transparent economy, then we should fight for the right to know the facts just as they are.”³

Objective

There were two reasons for obtaining the Affidavits that Senators must submit in accordance with the Public Ethics Law:

- To increase the amount of information that constituents currently have available about their representatives in the National Congress, a key factor in the ability to audit and evaluate the performance of these officials.
- To create incentives for changing legislators’ habits and behaviors with regard to accountability for their actions under the law.

Processes and methods

The actors. The campaign began in February 2001, with the creation of the “Volunteer Network [“Red de Voluntarios”], a group of more than 100 individuals over 18 years of age. CIPPEC contacted people from all regions of the country and diverse backgrounds, who might be willing to volunteer to contact senators and request that they provide the Affidavits disclosing their assets and finances. The vast majority of those selected were university students pursuing different careers (law, medicine, political science, engineering, economics, etc.), in addition to professionals, housewives, the unemployed, and self-employed individuals.

CIPPEC’s main contribution was to serve as the “command center” in organizing follow-up and evaluation of outcomes and disseminating these outcomes through

³ Diario Clarín, Buenos Aires, Argentina, January 3, 2003. The complete article can be found at www.clarin.com.ar

reports to other civic associations and NGOs, and articles in the press. Drawing on its experience in how the Legislature operates, CIPPEC, and particularly the Transparency Division, equipped and trained the volunteers with the tools necessary to understand the internal structure of the Senate, the characteristics of the legislators, and the ways and means to contact them. This established a fluid link between the organization and the volunteers that was maintained through electronic communications approximately every other day.

The campaign has trained 100 volunteers directly, equipping them with the basic tools necessary to access and audit the work and obligations of national legislators. At the same time, it provided concrete information about the assets of national senators before and after their term to journalists in the mainstream press and to citizens interested in monitoring the actions of their representatives.

Society as a whole benefited indirectly, since the information disseminated made it possible to bring more pressure to bear on members of the National Congress and reduce the potential for acts of corruption by legislators whose assets and financial status are now a matter of public knowledge. At the same time, a precedent has been set for obtaining any other type of information from the government such as might be requested in the future.

Other actors reached by this initiative were the legislators themselves, who took note of the existence of the Public Ethics Law and their obligation to comply with it. As a result of the campaign, nearly one third of the legislators voluntarily and spontaneously provided information via the Internet.

Activities and roles of the actors. The volunteer network played a crucial role and lent legitimacy and civic relevancy to the process. The citizens themselves contacted the legislators, aides, and officials to pressure for their right to know the origin and amount of their representatives' income and assets. CIPPEC, meanwhile, served as coordinator, identifying appropriate mechanisms and timing based on the legislative agenda, in order to move from one stage to the next in the program. At first, all of the senators were contacted and informed of their legal obligation to present their Affidavits. When most legislators proved unwilling to comply, CIPPEC decided that a new strategy was in order: the Senate authorities should be contacted in a letter signed by the volunteers themselves. In this way, the initiative still came from the members of the citizen network, while the organization provided the technical know-how required to ensure that the document would be officially received and accepted by the authorities.

Specific methods and techniques used: Campaign chronology. The plan was to begin by focusing on obtaining the Affidavits disclosing assets from just two legislators, who would be selected randomly to assess their reaction. The legislators chosen were Eduardo Moro (UCR - Chaco) and Luis Barrionuevo (PJ - Catamarca). Every Tuesday and/or Wednesday for one month, the 100 volunteers called their offices, and sent e-mails and faxes requesting their Affidavits. To facilitate these contacts, volunteers were given an information sheet outlining how to contact the legislators, how to establish the initial connection, and how to insist if they were not received (See Annex – Document A). When no immediate results were obtained from these two particular

legislators, it was decided to expand the campaign to all of the senators in order to secure the highest possible number of Affidavits.

In the end, each volunteer sent a letter on March 4, to the Administrative Secretariat of the Senate requesting the Affidavits of approximately 40 Senators (See Annex – Document B), all of whom had personally refused to disclose the information in question. The Administrative Secretariat directed the petition to the Legal Affairs Office [Dirección de Asuntos Legales] under Dr. Guisado who, in turn, referred it to Dr. Lanata. Subsequently, file 762/02 was opened with all of the requests.

On April 4, the Legal Affairs Office issued a favorable opinion and submitted to the President of the Senate its recommendation that these documents be made available to the public. The Presidency of the Senate subsequently would resolve the issue by decree.

On April 8, the Presidency of the Senate issued Decree 419/02 authorizing the release of the Affidavits requested by citizens in the petitions in file 762/02. The President of the Senate, Dr. Juan Carlos Maqueda (PJ – Córdoba), organized a public event attended by the Notary General [Escribano General de Gobierno]. The latter was responsible for authenticating copies of Affidavits and drafting an act in the presence of national senators, civil society, and the press.

Once they were obtained, the Affidavits were published for the first time in Argentina in the “*Legislative Directory: Who are our legislators and how do they represent us 2002-2003*” [*Directorio Legislativo. Quiénes son nuestros legisladores y cómo nos representan 2002-2003*], edited by CIPPEC in May 2002 (www.cippec.org).

Once the Affidavits were published, the next crucial step was to disseminate them among key actors. CIPPEC publicized—and continues to publicize—the directory and the accomplishments of the Affidavit campaign, through electronic bulletins, conferences sponsored by Universities and other NGOs, submission of articles to the major national newspapers and news agencies, press interviews, and interviews with government authorities, including ministers from the Executive, electoral judges, and provincial legislators.

The resources used. CIPPEC’s Transparency Division provided all of the resources used during the voluntary network campaign. These were limited to member salaries and the basic administrative and overhead costs associated with contacting legislators (per diems, telephone, Internet access, printing, photocopies, paper, calculated at about \$2,640). Volunteers were able to make calls from home or work if they so desired, but CIPPEC also made its telephones and computers available whenever necessary.

The Sergio Karakachoff Foundation, Friedrich Ebert Foundation, and the University of Bologna provided support for the publication of the “Legislative Directory” containing the legislators’ Affidavits and other information.

Limitations and Opportunities

Obviously the greatest difficulty was obtaining the cooperation of the legislators. Since this obstacle was foreseen, part of the project involved “educating” these

representatives by encouraging changes in behavior through citizen oversight and pressure.

The project was dealing with senators, personalities with tremendous power in national politics in Argentina. This meant that their capacity for resistance was very strong, particularly in view of the fact that the information that was being demanded involved precise figures on their income and assets. At the provincial or municipal levels where the population has a closer relationship with its representatives and where authorities are more vulnerable to “every day” oversight, the creation of a volunteer network could achieve concrete results in a short time. Moreover, the network is a versatile tool and therefore its goal would not necessarily have to be obtaining information from the local government. Instead it could conduct organized advocacy in favor of public policies to improve the standard of living of local residents (waste treatment, improved medical centers, prevention campaigns in case of natural disasters, use of part of the local budget as emergency reserves, and so forth).

A second limitation worth noting is the media’s lack of support for this campaign. Ironically the press should be one of the sectors most interested in freedom of access to government information, since it contributes to their ability to publish substantive information and influence public opinion. Nonetheless, if projects with direct citizen support such as this one become the norm, the media undoubtedly will become more interested in covering them.

For all of these reasons, projects of this nature must have the unqualified support of the media for dissemination purposes so that the weight of public opinion is brought to bear on the political agenda and the “urgency” of citizen demands are conveyed to the authorities through diverse means. It is essential, then, to acquire accurate knowledge of how the government sector in question operates—in this case the National Congress--but it is equally essential to craft a coherent strategy that incorporates project characteristics and objectives and takes into account the underlying strategy of the mass media itself.

This social audit project could be strengthened by implementing other freedom of information projects to keep up pressure from the population in demanding transparency and efficiency from their representatives. Therefore, oversight pursuant to the Public Ethics Law should be extended to the rest of the government officials found in the Law, such as congressional deputies. Monitoring of the Legislature should be complemented by an analysis of the work it is doing, in addition to the characteristics of individual legislators. In this regard, CIPPEC publishes a monthly report on the work of legislative committees as well as an annual summary of congressional activities.

Outcomes

Until last year, never before had civil society compelled a senator to release his or her Affidavit disclosing assets and finances. In the aftermath of this audit program, we can assert that:

- This initiative made it possible, for the first time, for the public to have access to 100% of these documents and familiarize itself with a fundamental aspect affecting the integrity of its representatives.
- Currently, anyone can request and obtain from the Senate authorities a complete list of its members with detailed information regarding the amount and origin of their income, assets, and financial situation.
- Because of this initiative, nearly one third of national senators chose to publish their Affidavits voluntarily on their Web sites.
- Training was given to 100 citizens, who now understand the internal workings of the Congress and are equipped with tools to conduct future auditing campaigns.
- Thirty press articles have been published in national and regional newspapers based on the information obtained from Affidavits in particular and on enhancing freedom of information in general.
- This campaign clearly had an impact on priorities on the political agenda; Six months after the Affidavits were made public, the Freedom of Information Law was partially ratified on Thursday, May 8, 2003.

In a broader sense, the publication and availability of Affidavits ultimately will raise citizens' awareness about their rights to demand this and other information as provided by law. This will lead to increased capacity for public participation and make it possible to monitor and control a potential increase in corruption levels. At the same time, it may increase the credibility of the actions of the authorities, as long as they are willing to act transparently and lawfully.

Additional resources and information.

Project outcomes can be found on the CIPPEC Web site (www.cippec.org); this includes the Senate Presidential Decree 419/02 stipulating the mandatory release of Affidavits to any citizen requesting them and the publication of the affidavits in the "Legislative Directory" [Directorio Legislativo 2002-2003"]. Three manuals that also can be downloaded, explain in a simple, summarized format how the Argentine Legislature operates, its organization, schedule, how to access its work and information, and legislator contact information. These publications are important tools for undertaking any action involving the National Congress. Because the media is so important, another useful document on developing a press strategy for publicizing our issues in newspapers, magazines, radio and television, is "Periodismo Social" [Social Journalism], by Infocívica - Poder Ciudadano, Buenos Aires, 2002.

The CIPPEC Web site also contains information and other studies on the Legislature, transparency policies, and freedom of information including opinion polls, seminars, work of legislative committees, freedom of information advocacy, and annual summaries of congressional activity.

Annexes

Document A – Form with information and recommendations for contacting senators.

WHEN			
<p>DATE: Wednesday, February 27 HOOR: from 11:00 a.m. on METHOD: e-mail / telephone / fax /in person (where possible) RATIONALE: The Law on Ethics in Public Service (25.188) establishes the obligation to present Affidavits and to publish them. requirements is the creation of a National Public Ethics Commission to oversee the National Congress. However, this Commission, res Regulations for Public Ethics in the Congress, was never created since the 1999 law includes no provisions concerning the Legislature.</p>			
WHO			
Legislator	Senator José Luis Barrionuevo (PJ-Catamarca)	Senator Eduardo Moro (UCR-Chaco)	Deputy Oraldo Norvel Britos (PJ- San Luis)
Secretary	Adrián	María	Ricardo or Gabriel
Telephone numbers	Direct: 4379-5694 Switchboard: 4959-3000 ext: 1080/82	Direct: 4379-5571 Switchboard 4959-3000 ext: 1230/31 (or operator)	Direct:4954-1082/1061 Switchboard: 4370-7100 ext: 3737/36/34 (or operator)
E-mail:	luis.barrionuevo@senado.gov.ar	eduardo.moro@senado.gov.ar	obritos@diputados.gov.ar oraldobritos@yahoo.com.ar
Fax	Request tone	Request tone	Request tone
Address	(Palacio) Hipólito Irigoyen 1849 4º of. 648	(Palacio) Hipólito Irigoyen 1849 2º of. 58 "C"	(Palacio) Av. Rivadavia 1864 3º of. 332
BIO	Current President of the Club Chacarita Juniors; Leader of Epicurean Association, Author of the phrase (let's stop stealing for 2 years). Was in the Executive, CGT leader	Lawyer, Government Minister, Justice and Labor of Chaco Province (1995-2001) President of the Chamber of Deputies in Chaco Province (1997-2001).	Legislator since 1983. Vice-president of the Chamber of Deputies. Was Minister of Labor under the Rodriguez Saa Administration, E-mail chains ensure a rich retirement
METHOD			
<p><u>E-mail and fax:</u> Copy and paste the "declaration letter" in the e-mail to avoid problems with attachments. Add names at the bottom before sending.</p>			
<p><u>Telephone and in person:</u> Possible excuses: "The deputy is not in;" "I'll have to ask the deputy;" "He submitted it, but I don't have a copy;" "She requested an extension;" "He won't be back until next month;" "She's in committee/session;" "Leave your number and we'll call you back;" "We will not give it to you."</p>			
<p><u>Arguments to counter such excuses:</u> "Please call him wherever he is and tell him that I'll come back tomorrow at noon to get it. She should leave it for me in an envelope with my name on it;" "Make a copy and I'll be over to pick it up shortly;" "Then give me a copy of the one presented to the administrative secretariat of the Senate;" "Call him because I urgently need his Affidavit."</p>			
<p><u>In case of a direct NO:</u> "I am going to consult with my attorneys to see what measures I can take to compel you to comply with the law;" "I am going to visit with the Notary Public so he can certify that you are infringing on the Public Ethics Law;" "I am going to contact the press;" "I am going to write a letter to the Editor;" "I'm going to include her in the next <i>cacerolazo</i> [public protest with pot banging]."</p>			
<p><u>What to do if you get it:</u></p> <ol style="list-style-type: none"> 1) Set a day and time to pick it up (within 24 hours because they might reconsider); 2) Find out who you spoke with so that you can return to that person; 3) If you can't go, send an e-mail or call the coordinators 			
<p><u>Recommendations:</u></p> <ol style="list-style-type: none"> 1) Be as courteous as possible to the intermediaries; 2) Be assertive and try to follow-up on the conversation and with the person contacted, even if the time limit has passed; 3) Don't get frustrated; remember that you are entitled to demand accountability from your representatives; 4) Don't be afraid, don't give up. If the legislator is there, ask to talk to her; 5) It may be that if the phone lines are flooded, the secretary will stop taking calls. If no one answers, keep insisting with e-mails and faxes, and try again the following week; 6) After the fifth call, the secretary will be surprised and probably will ask: "What is this, a campaign?" Reply that you are citizens who want to hold your representatives accountable. 			

Document B – Letter delivered by the volunteers to the Administrative Secretariat of the Senate.