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## Corruption in Spain: perceptions versus reality

by Filip Norén

When asked to name the most corrupt places on Earth, it is likely that your first thought is 'Latin America' in general, possibly eclipsed by some African countries. The real surprise is that countries we tend to think of as established democracies rank poorly for corruption. Spain ranks an alarming 41<sup>st</sup> in Transparency International's 2016 *Corruption Perception Index* (CPI), alongside the likes of Georgia, Costa Rica, and Brunei. This is undoubtedly disturbing. Earlier in April, the latest wave of arrests saw numerous leaders of the ruling Partido Popular (PP) detained on suspicion of corruption. However, Spain's corruption problem is a problem of perception as much as it is a problem of actual corruption. Fortunately, there seems to be a tide of transparency currently and it may change institutions for the better.

Spain's unimpressive 41<sup>st</sup> place can be compared to France scoring 23<sup>rd</sup>, Portugal 29<sup>th</sup>, and Germany and UK 10<sup>th</sup>. Italy lands a worrying 60<sup>th</sup> place. For a Spain that wishes to compete in Europe and beyond, this is of course reason for alarm. The CPI is based on perceptions of the extent of public sector corruption among business executives and country experts. Also, in the 2016-2017 *Global Competitiveness Report*, Spanish business executives report corruption as the 7<sup>th</sup> most problematic factor for companies. Notably, they rated inefficient government bureaucracy and high taxes, among other factors, as more problematic.

Public perceptions are reflected in the 2016 *Global Corruption Barometer*: 66% of Spaniards think that corruption is one of the biggest problems facing their country. This is among the worst of all EU and Central Asian countries, on par with Kosovo and Moldova. Furthermore, 80% of Spaniards believe that their government is doing a bad job fighting corruption.

Before concluding that Spain is corrupt and its government is part of the problem rather than the solution, it serves to consider the concept of corruption. It can be defined as any moral perversion, or the alteration of something to misrepresent the original. Then there is corruption as we know it in political and economic terms: bribing, treating, or otherwise exercising undue influence.

Politics and power are not intrinsically corrupt or corrupting. Within weak institutions, however, unprincipled officials can act in corrupt ways to achieve wealth and status. Importantly, there is the act of corruption itself and, as a separate entity, there is the impression of it that spreads publically.

The past few years have seen several much-publicized scandals resulting in public investigations and trials against Spanish top politicians and officials. This may explain the worsening statistics regarding perceived corruption by businesses and citizens, but it does not necessarily mean that actual corruption is rising. In total, only a handful of cases of varying magnitudes feature in the Spanish media every year - a pattern that has remained since the return of democracy in the mid-70s.

Notably, the CIS Barometer for May 2016 showed that the Spanish people first perceived corruption as a major problem in 1993. It soon disappeared as a concern, to surface again in 2012. It has risen significantly since then, coinciding with the worst period of the recession. When economic conditions of a population change dramatically for the worse, corruption that results in the squandering or theft of public resources will naturally have a greater impact on people's views. This increased alertness to malpractices by elected representatives that were previously hidden or conveniently overlooked helps account for the rising perceptions of corruption.

### **The power of the internet**

Certainly there is also the possibility that the tide of public outrage, media attention, and general alertness has increased the investigating of corrupt practices. The *Global Corruption Barometer* finds that in older EU members states, including Spain, a substantial majority believe that it is socially acceptable to report cases of corruption. An important factor is online tools that give the people in Spain and beyond evolving advantages in the fight against public sector corruption. For instance, big data combined with stronger laws for publically available records is making public governance more transparent. For instance, the Spanish government introduced its Transparency Law in 2014 (albeit after years of delays and failed talks), modelled on the US Freedom of Information Act. This led to the launch of the *transparencia.gob.es* website where citizens can learn what agreements officials reach, what contracts they award, their salaries, and so forth. However, in spite of these initiatives and others, Spanish law is still comparatively restrictive in terms of freedom of information and transparency.

Related to this, Madrid Versión Original is an initiative set up by the mayor of Madrid, Manuela Carmena, informing about the actions and policies of the local government . While some accuse it of being a 1984-esque attempt to give the government a dominant voice, others recognize the value of having a clear idea of its perspective, which may or may not contradict that of the media, so that people can draw their own conclusions.

Digital platforms for improved public governance ought to be further embraced by the Spanish governments at all levels. An elected official who has social media accounts but does not interact with their constituents is missing out on a chance to lower perceptions of corruption by becoming a person, as opposed to just a name. Using these tools can also potentially lower actual corruption since they help officials see their taxpaying voters as individuals rather than numbers.

## Parties are the problem

In spite of the gloomy statistics above, only 3% of Spanish families say they have bribed a government employee in the past (*Global Corruption Barometer 2016*). Add to this the fact that businesses identify many other factors as more problematic than corruption and that the Transparency Index of Parliaments (2014) rates the Spanish assemblies as “satisfactory” and it would seem that the core of the corruption issues lies not in government agencies or in the delivery of public services, but elsewhere: in the political parties.

The Spanish Constitution intentionally creates a strong executive. That is not inherently corrupting, but the major political parties can strongly influence the legislative, executive and judiciary when their interests are under attack. The party leader that wins an election with an absolute majority can appoint thousands of members to offices in the Constitutional Court, the Office of the Ombudsman, the Court of Audit, and so forth. The judiciary would benefit from more institutional independence and freedom from party-political influence. Likewise, the public perception of impartiality would increase.

The problem is the natural lack of political will to change the political system to give more powerful institutions a better ability to hold elected politicians and appointed officials accountable. Even if the recent breakdown of the traditional two-party landscape into four parties can change this, it will be a difficult and drawn-out process.

The missing factor is the collective sense of responsibility toward the Spanish population that is necessary to overcome partisan divisions. Historically, whenever there has been a bipartisan anti-corruption initiative, a new corruption scandal has inevitably surfaced. Corruption then becomes the topic of party-political pie-throwing, disabling any cross-aisle progress. Currently, with several on-going court cases targeting finance irregularities of the Popular Party (PP), such as the massive Gürtel case, PM Mariano Rajoy refused to set up a congressional committee to investigate the PP’s finances, which many understood to be a fair condition of the PP-Ciudadanos pact that enabled his forming a government. However, the social democrats do not have a clean track record either and neither do leftist-populist Podemos, so the political will to reform the system looks absent for the foreseeable future.

The fight against perceived corruption as well as real corruption is ongoing and there is much to be done. The most important weapon is the same for both kinds: building a popular consensus against corrupt practices through education and increased consciousness of society as a whole. Politicians would not be able to afford to ignore such a *zeitgeist* and the surge in arrests and resignations would suggest that Spain is on the right track in reducing corruption in its political system.

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