

Chapter 1

A Look at Bribe and Poverty in Colombia

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ABSTRACT

The purpose of this book chapter is to inform on the perception of anti-bribe practices in Colombian companies, on some aspects of bribe in Colombia, on the relationship between bribe and poverty, and to present the most shocking bribe case in Colombia. To achieve the objective, a literature review is carried out by selecting publications on bribes and corruption, in particular on the Odebrecht-Colombia case, and on the relationship between bribery and corruption. The process begins with the description of the phenomenon of bribes in general and the different types of bribes. Following, the relationship between bribery and poverty is established, and finally, the most shocking case of bribery in Colombia is presented. The results show that there are bribe practices in Colombia despite adopting different legal mechanisms. In Colombia, there is the need to continue adopting coercive measures, and to develop a culture from education to form law-abiding citizens for the benefit of society.

INTRODUCTION

Bribes are among the many forms of corruption that have become a global problem, since it occurs in both developed and developing countries, thus representing an obstacle to the formulation of policies and the economic growth of nations. At the end of the 90's it was common practice to bribe foreign public

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officials. For this reason, governments from different parts of the world began to make efforts to combat this scourge. In the OECD Anti-Bribe Convention, several countries joined efforts to combat this form of corruption. It is noteworthy that under domestic legislation, the countries began to prohibit bribe to foreign public officials by establishing severe penalties such as large fines and even prison sentences. Despite these efforts, bribe scandals continue (Johannes-Teichmann and Monteiro, 2018).

This chapter seeks to contribute to a better understanding of bribe in Colombia, based on a literature review and presenting elements related to this form of corruption and the most shocking case of bribe in Colombia: Odebrecht.

THEORETICAL FRAMEWORK

Bribe

Johannes-Teichmann and Monteiro (2018), defines bribe based on the contributions of the OECD Anti-Bribe Convention and Transparency International approved in 1997. Bribe is understood as:

An act in which a party intentionally abuses the power entrusted for private gain by offering, promising or giving any pecuniary or other undue advantage, either directly or through intermediaries, to a public official, for that official or for a third party, so that official acts or refrains from acting in connection with the performance of official duties, in order to obtain or retain businesses or any other undue advantage in the conduct of international businesses (p.21).

For their part, Roth-Unzueta and Acosta-Villegas (2018), relate bribe from corruption understood as a behavior that corrupts. The authors, referring to Dexter (1993), emphasize that although corrupt acts exist, there are also marked differences from these acts of corruption in relation to the moral judgment associated with such acts. This is how moral judgment becomes a subjective perception referring to the same fact. Roth-Unzueta and Acosta-Villegas (2018), give the following example:

(...) let's consider two circumstances: in the first of them there is a regular prisoner who is allowed to escape in exchange for a certain amount of money. In the second, a prisoner in a Nazi concentration camp who is also allowed to escape after having offered money to his guard. Do both acts have the same moral burden? Are both acts of corruption? Or is it just one of them while the other is an act of mercy rewarded by the victim? (p.62)

Taking into account the above, Roth-Unzueta and Acosta-Villegas (2018), consider that the definition of corruption becomes quite complex because the fact itself will depend on the context in which it develops, which can be physical, given this in a natural or built environment; social, determined by the presence of individuals or groups; cultural, given by human conventions; or it can also be symbolic with a content of subjective meanings that are part of the moral act. In this sense, the context is related to those variables that can be involved according to the situation that may affect the behavior of the individual, such as “place, time, actors, the very nature of the situation, the perceived consequences, among others” (p.64).

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