



TRANSPARENCIA  
MEXICANA



Escuela de Gobierno y  
Transformación Pública  
Tecnológico de Monterrey

# Anti-Corruption Proposals for the Mexican Energy Sector

By Alma Thalía Aguilar Cabello  
& Diana Melisa Talamás Santos

# Table of Contents

I.	<b>Introduction</b> .....	3
II.	<b>Diagnostic</b> .....	5
	a. <b>Corruption in Mexico</b> .....	5
	b. <b>Corruption in the Energy Sector</b> .....	7
III.	<b>Regulatory Framework</b> .....	9
IV.	<b>Ideal Spaces for Corruption</b> .....	11
V.	<b>Anti-Corruption Proposal</b> .....	13
VI.	<b>Conclusion</b> .....	29
VII.	<b>Bibliography</b> .....	30

## I. Introduction

Corruption is a grave and centuries-old phenomenon that has affected all countries across the globe to different extents. To date, there is still no precise solution to fight and, lesser still, eradicate corruption. Corruption can cause myriad problems in society, which include, but are not limited to, producing and increasing poverty, broadening the inequality gap, enriching the privileged, weakening the legal system, favoring insecurity and impunity, chipping away at public and private institutions, affecting the labor market and the economy, producing inefficiency in public services and goods, promoting a culture of illegality, and causing vast losses in material and economic resources that could have been used to satisfy societal needs.

Mexico is clearly being affected by this problem and has been for several decades. Corruption is deeply engrained in the country's social fabric and government organizations. Today, corruption—in all its facets—is present in almost all everyday transactions and activities among a diverse range of social and political actors. As such, it has been established as a problem that exceedingly affects political, social, economic, and cultural aspects and perspectives, as well as growth and development across any democratic country. The issue requires urgent attention independently of whether it surfaces in the public or private sector.

Over the years, a wide variety of programs and public policies have been implemented with the ultimate goal of fighting corruption in various spheres. Nonetheless, these efforts have not proved as fruitful as planned, so much so that Mexico has been unable to scale down its rates of corruption.

In regard to the above, many of Mexico's sectors are heavily affected by corruption. Given that Mexico is highly rich in natural resources and that the energy industry is one of its main sources of income and economic development, this industry is one of the most prone to corruption. Mexico recently enacted an energy reform, which will be analyzed in the body of this work. The energy reform objectives include, but are not limited to, developing the economy and redistributing resources, increasing productivity, reducing poverty, activating the economy by modernizing the energy sector (which includes hydrocarbons, electricity, and renewable resources), strengthening institutions such as Petróleos Mexicanos (Pemex) and the Comisión Federal de Electricidad

(CFE), attracting investment to develop the economy, and—the top concern for the present paper—effectively fighting corruption.

Therefore, this essay will issue a number of proposals following an exhaustive analysis of the industry's current diagnostic, applicable legislation, and international practices. These proposals can strengthen national mechanisms to fight and eradicate corruption in the energy industry.

## II. Diagnostic

In order to understand this essay's goal, we first need to flesh out the true meaning of corruption. According to the author Alejandro Estévez, this term comes from the Latin *corruptio*, which comes from the term *corrumpere*, "which means to let something go bad or cease to work, to destroy or to pervert" (2005). Using the term's etymology, corruption can be understood as an illness or evil that negatively mutates across people and things, degenerating and turning them into elements that affect their environments and the people in their surroundings.

Many studies have analyzed the concept of corruption. From the perspective of public power, in which those exercising power are always public officials, Transparency International (2015) defines corruption as "the abuse of entrusted power for private gain."<sup>1</sup>

From the perspective of the private sector, corruption is defined as "the divergence in the criteria ruling a decision-maker's conduct in exchange for a reward, or the divergence of a person's criteria in regards to said person's obligations as a citizen" (Casar, 2015). In the latter case, corruption involves citizens outside of public office and places of privilege, with citizens voluntarily breaking the law in order to obtain a personal benefit, whatever this may be.

### Corruption in Mexico

Though hard to accept, Mexico is among the world's most threatened nations in terms of corruption, with strikingly high rates. This is not an isolated problem, but rather a severe cultural and structural issue that has completely overwhelmed the nation. This is also a systemic problem, as it is found everywhere—in every area, in all environments, and in all public and private institutions (from the highest to the lowest ranks). This problem is a major concern, as the 2013 National Survey for Government Quality and Impact (*Encuesta Nacional de Calidad e Impacto Gubernamental*) places corruption in third place with 48.5 percent, followed by insecurity and unemployment but preceding poverty (Casar, 2015).

---

<sup>1</sup> See the following Transparency International page for the definition of corruption: <https://www.transparency.org/what-is-corruption#define>

According to the author José Antón, “corruption costs Mexico at least \$100 billion dollars a year...” (2014). Several studies posit that illegality and corruption in Mexico have their roots in a “colonial experience with foundations in the military conquest and cultural subordination that conditioned a highly hierarchical social structure (even if this is often veiled) in which wit has turned into a means for survival...” (Sarquis, 2008).

Still, the above explanation is no justification, as there are actually multiple factors behind the institutionalization, production, and strengthening of corruption. These factors could include a weak economy, an inefficient judicial system, impunity, weaknesses in the implementation of the law, stifling taxation, high levels of poverty, subpar education, conflicts of interest, never-ending bureaucracy, and citizen discontent with the authorities’ arbitrary decision making.

However, the single factor benefitting corruption the most is what the aforementioned author has deemed as the *positive value of corruption*, which he defines as the generalized perception that corruption is a good and necessary way for this country to move forward. Thus, in Mexican society rather than punishing corrupt actors, “people who pay ‘*mordidas*’ (small bribes) or acquire contracts through privilege are encouraged and praised...” (Antón, 2014).

According to the World Economic Forum’s *2015-2016 Global Competitiveness Report*, out of 140 economies, Mexico is in the 57<sup>th</sup> place in terms of competitiveness, with a grade of 4.3 out of a possible 5.8 (held by Switzerland) and a minimum of 2.8 (held by Guinea). Mexico is even below several small economies, including Barbados and Costa Rica, and is barely above average in terms of competitiveness, which, among other factors, can be attributed to corruption.

While this essay does show that competitiveness in Mexico improved over the span of a year, going from 61<sup>st</sup> place in 2014 to 57<sup>th</sup> in 2015, the essay also notes that this improvement is not enough. Mexico’s public and private institutions remain weak, meaning that corruption—in both the public and private sectors—is the one factor causing the most problems when conducting business in Mexico.

Likewise, Transparency International’s *2013 Global Corruption Barometer* found that 52 percent of the surveyed population believed that, in the two years prior to the survey, corruption in Mexico had increased. Meanwhile, 43 percent noted that the government’s actions in the fight against corruption were ineffective.

Transparency International's *2014 Corruption Perceptions Index* was also very disheartening for Mexico. On a scale of 0 to 100, in which 0 means very corrupt and 100 means very clean, of the 175 rated countries, Mexico took 103<sup>rd</sup> place with the low score of 35, having only improved by one point since 2012. Denmark, in contrast, held 1<sup>st</sup> place with a score of 92. The Mexican government's decades-long fight against corruption seems to have yielded no effects at all. As noted in the *2014 Corruption Perceptions Index*, a low grade is a sign of generalized bribery, impunity, and inefficient public institutions that fail to address citizen concerns.

## **Corruption in the Mexican Energy Sector**

The energy industry is highly important to Mexico, given that our nation "largely sustains its economic and social development through its energy wealth" (2014). As such, several structural reforms were passed with the goal of steering the country in the right direction. These reforms include the Energy Reform, which, according to the Organisation for Economic Co-operation and Development (OECD), is a necessary step after years of decreasing oil production on behalf of the state company *Petróleos Mexicanos* (PEMEX), high energy costs for the business sector, and financial and technological shortcomings in exploiting new energy resources (2015).

The OECD (2015) estimates that, with the energy reform, the oil sector will grow the GDP by 0.45 percent while electricity and gas will increase the GDP by 0.32 percent over approximately five years. However, how can one expect such growth when the energy reform and the not-yet implemented National Anti-corruption System face so much uncertainty, insecurity, legal ambiguity, and loopholes—giving way to discretionary practices and corruption in all energy-related activities? These factors will no doubt affect these high hopes for GDP growth.

According to the *Resource Governance Index (IGR)* issued by the Revenue Watch Institute, there is a deficit in transparency and accountability regarding natural resources across the globe, and the deficit is highest in the countries depending on said resources (2013). Given that much of Mexico's economic development and stability depends on natural resources, the country is naturally prone to incur a deficit of transparency and accountability, leading to acts of corruption in the energy sector—which includes hydrocarbons, electricity, and renewable energies.

The IGR highly emphasizes the importance of administrative evaluation in the energy sector in countries with vast natural resources. Indeed, the IGR posits that proper administration and good practices in said sector can safeguard the futures of these countries—which would include Mexico. Further, the IGR suggests that corruption in said sector can have dire consequences, such as unequal negotiations between the public sector and exploitation companies, inefficient energy industry income collecting, and the diversion and misuse of energy sector resources on behalf of the government and public officials. Problems can also include opaque data and lacking transparency in the information provided to the public when it comes to energy sector contracts, bids, and income. Thus, civil society is often unable to intervene given the lack of information.

As cited in the 2013 IGR, of the 58 evaluated countries, Mexico ranked 6<sup>th</sup> place, with 1 being the best ranked. Mexico got a satisfactory overall grade of 77, but earned a failing grade of 53, in terms of governability—mostly given the country’s prevalent corruption, lack of accountability, opaque budget practices, and government mismanagement.

By the same token, the *Business Anti-Corruption Portal* (2015), which seeks to curb corruption in the business community, presents similar findings in terms of access to information in Mexico’s energy sector, noting that corruption is a severe issue that affects Mexico’s oil and mining industries, both of which suffer from a lack in contract transparency, ineffective auditing, and unstable rule of law. Furthermore, this portal deemed the fact that PEMEX had allocated, in 2011 alone, contracts for \$3.1 million dollars to companies that did not meet the proposed requirements, as a sign of poor transparency practices.

Meanwhile, the *2014 Global Economic Crime Survey* outlines corruption, diverged funds, bribery, and money laundering as severe problems for the private sector. According to this survey, one of the sectors concentrating the most economic crimes in Mexico is the energy and mining sector, implying that the private sector greatly contributes to and institutionalizes energy sector corruption in various ways.



### III. Regulatory Framework

Mexico has ascribed to a number of anti-corruption conventions, including the United Nations Convention Against Corruption (2004), which establishes standards, measures and rules that ratifying countries should follow to strengthen their legislative framework against corruption; the Inter-American Convention Against Corruption (2011), which establishes preventative measures and categorizes corruption crime into, for instance, international bribery and illicit enrichment, while creating measures to strengthen international cooperation through legal assistance, technical cooperation, and extradition; and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997), which considers the “offer” of international bribes and establishes guidelines to implement best practices and apply the law in regards to bribing foreign officials, the responsibilities of corporations, and the responsibilities of intermediaries.

The conventions provide strict mechanisms that must be followed to the letter to meet those commitments. Nonetheless, the international regulatory framework can merely contribute to building national legislation. The legal architecture is an international signed commitment to build a national legal framework against corruption. Therefore, designing and implementing strategic public and private policies to this end has become an imperative matter.

Meanwhile, the energy reform will bring significant changes to Mexico’s economy, offering benefits to Mexicans while providing for anti-corruption mechanisms. Ergo, the reform aims to create effective mechanisms to prevent, investigate, identify, and sanction those whose actions or omissions constitute illegal or unethical practices with the purpose of obtaining a benefit that is preponderantly illegal.

Among the 9 new laws and 12 reformed laws for its implementation, only 6 include regulations to prevent, investigate, identify, denounce, or sanction corruption. The more ambiguous the legislation, the less likely it is to be enforced and complied with, as opacity creates the ideal conditions for hiding illicit activity. In order for a law to be effective, it has to be measurable, attainable, and specific; however, in Mexico, the laws often do not fully comply with these principles, and the gap between the legislation and its enforcement and compliance is actually

quite vast. Mexico's lack of legislative effectiveness implies that the previous regulations plus the newly generated are perceived as uncertain and unwholesome (Avendaño, 2012).

Public policies that aim to fight corruption should consider how to reduce the spaces where corrupt practices can be carried out. Though Mexico has installed an accountability and transparency mechanism to fight corruption, it will be proportionately effective to the success of those mechanisms of control, surveillance and sanction. (García & Avendaño, n.d.).

According to the United Nations Office on Drugs and Crime (2013), Mexico has spent more than 30 years implementing or trying to implement mechanisms to fight corruption, starting with an administrative overhaul, followed by auditing, and continuing with transparency and accountability. Nonetheless, these efforts have not been effective (National Anticorruption Organization, 2015).

The effort made to promote transparency in the energy legislation is limited in the same way that it becomes an end rather than a comprehensive policy. Transparency alludes to the legitimacy of public officials, the private sector, and good practices, but is an element that can be undermined through legal loopholes.

## IV. Ideal Spaces for Corruption

According to the OECD (2015), the energy sector is one of the most prone to corruption. Under a weak system, multiple and complex factors make the energy sector vulnerable to corruption. These factors include discretionary political control at the highest levels of government, frequent public confusion, political and personal interests, limited competition, complex financial structures requiring rigorous government auditing, lucrative opportunities resulting from controlling export and import resources, influxes of illegal funds, income from the illegal exploitation of resources, and tax evasion.

In addition, ineffective countermeasures, the lack of legitimacy and legal power of the regulatory agencies, inadequate sanctions, a corrupt government, and, above all, a culture of corruption are the perfect formula for corruption. The OECD outlines, per activity, certain risks of falling into corrupt practices.<sup>2</sup> The following opportunities are broken down into the main features of the energy reform that can provide an ideal space to commit any act of corruption (SENER, 2014):

- a) Pemex's exploration and production allocations for oil and natural gas.
- b) Contracts with Pemex by itself or in private partnerships.
- c) All four types of contracts: services, shared utility, shared production, and licenses.
- d) Private investments that grant individuals the right to participate in treating and refining oil, as well as in its transport, storage, and distribution.
- e) Electricity-industry investments and contracts to transmit and distribute electricity.
- f) The National Center for Energy Control (*Centro Nacional de Control de Energía*: CENACE), which is in charge of controlling the electricity system and market.
- g) Pemex and the CFE, which are now state-productive enterprises with certain degrees of autonomy and independent budgets.
- h) The Mexican Oil Fund (*Fondo Mexicano del Petróleo*: FMP), which is in charge of receiving, administering, and distributing all oil-related income.
- i) The FMP, which will be managed by the Bank of Mexico (Banco de México: BANXICO), comprised only of four independent councilors to be proposed by the President of Mexico, with the rest being members of the Ministry of Energy (*Secretaría de Energía*:

---

<sup>2</sup> Available here: OECD (2015), *Consequences of Corruption at the Sector Level and Implications for Economic Growth and Development*, OECD Publishing, Paris. <http://dx.doi.org/10.1787/9789264230781-en>

SENER), the Ministry of Finance (*Secretaría de Hacienda y Crédito Público*: SHCP) and the head of BANXICO.

- j) New transparency measures that establish external audits as well as legal mechanisms to prevent, identify, and sanction acts of corruption in the energy sector.
- k) The National Hydrocarbons Commission (*Comisión Nacional de Hidrocarburos*: CNH), which will hold the tenders and subscribe and manage exploration-and-production contracts for oil and natural gas.
- l) The Energy Regulatory Commission (*Comisión Reguladora de Energía*: CRE), which will set the fees for electricity transmission and distribution.
- m) SENER, which will award oil allocations to Pemex and areas that may be subject to contract for exploration and production contracts. SENER will also design the contracts, the terms for bids, and issue permits for oil refining as well as natural-gas processing.
- n) The State, which is in charge of establishing the requirements for those who wish to generate clean energies.
- o) The integration of the new National Anticorruption System.
- p) Increasing the Chief Audit Office's (*Auditoría Superior de la Federación*, ASF) auditing powers.
- q) The new scheme for the Court of Administrative Justice, which can now sanction public servants and individuals committing grave administrative offenses.
- r) Regulations on what does and does not constitute a conflict of interest.
- s) Among members of the CNH and CRE, proposed by the President of Mexico and ratified by the Senate; as well as in the coordination that will take place between them and the federal government.
- t) Bid regulations, which include hundreds of pages with hundreds of criteria. (The more complicated the rule, the easier it is to break.)
- u) Productive and investment companies vested under Mexican law when lacking employee training in terms of anticorruption legislation.

## V. Anti-Corruption Proposals

Based on the presented diagnostic on the state of corruption and its impact in various areas of the energy industry, the essay offers the following anticorruption proposals for the energy sector. First, a comprehensive reform is needed—going beyond the energy industry alone to touch upon all aspects that can relate to this sector. This aims to establish a mechanism that minimizes existing loopholes and gaps in the law and may arise in future regulations. The proposed mechanisms for the law to be successfully applied and complied with would need to address the following questions:

- a) *Who?* Who does this precept cover?
- b) *What?* What cannot be done? What needs to be done? There is a big difference between shall and should. “Shall” is entirely enforceable and required and “should” is left to the free will of who is under the applicability of the law.
- c) *Where?* Where this law needs to be enforced requires specification.
- d) *When?* It is imperative to point out time constraints.

Based on the above, the current legislation does not contain the aforementioned criteria, or contains them in a partial manner, facilitating multiple loopholes that allow both public officials and citizens to discretionally engage in acts of corruption.

Once the former is considered, we outline the following proposals:

### 1. Public and Private Policy – Proportional Sanctions

There is a wide gap between the results of illicit conduct and the sanctions established by law in terms of corruption, transparency, responsibility, and acts or omissions that fail to adhere to the energy legislation. For sanctions to be just and effective, they must be based on the proportionality of the impacts or affectations it causes. Sanctions shall not be left, under any circumstances, at the discretion of the person imposing the sanction. Rather, the law itself should provide specific sanctions without providing leeway for those who can use it to personally or indirectly benefit themselves or third parties. Therefore, we would like to propose a rate chart for economic fines based on the effect of the illicit act:

		Amounts				The chart will cover up to \$100,000,000.00 MXN
		Rank 1	Rank 2	Rank 3	Rank 4	
		\$0-\$500,000.00	\$500,000.00-\$1,000,000.00	\$1,000,000.00-\$1,500,000.00	\$1,500,000.00-\$2,000,000.00	
Activities subject to sanction under all laws that apply to the energy sector	Activity 1	X	X	X	X	
	Offering money or some other benefit.	X	\$2,000,000.00	X	X	
	Activity 3	X	X	X	X	
	Activity 4	X	X	X	X	
	Activity N	X	X	X	X	

Source: Created by authors.

For instance, based on this chart and using the sanctions or punishable acts established in article 163 of the Electricity Industry Law (Ley de la Industria Eléctrica), anyone offering money or other benefits equivalent to \$1 million Mexican pesos would have to be fined \$2 million Mexican pesos. It is important to recall that for a sanction to be effective and to inhibit the intention to commit or the propagation of committing the act, it needs to be sufficiently severe and must signify a higher burden than the benefits received.

As such, if a public servant is guilty of directly or indirectly offering or receiving money or any other benefit, the public servant's work throughout the entire span of service must be investigated, and in the case that any prior illegal acts are discovered, he or she must be punished. Likewise, offending public officials should be required to conduct community service, aside from abiding to their punishment, which would benefit public anticorruption policies.

## **2. Public and Private Policy – Anti-Corruption Clause:**

According to transitory regulation number nine of the Constitution from the energy reform decree, contracts need to include transparency clauses in order that interested parties may consult those contracts. Nonetheless, these transparency clauses only mention contract revision, the publishing of planned payments, and remuneration foreseen in the contract; however, these clauses do not require contracting parties to include an anti-corruption clause. An anti-corruption clause has the purpose to establish an obligation that guarantees the integrity of the contracting parties during

the pre-contract phase, throughout the contract, and even after it ends (ICC, 2012). According to the International Chamber of Commerce's bylaws, anti-corruption clauses should outline prohibited acts; third-party roles; accountancy controls, auditing and finance; irregularity complaints; bans for political contributions, donations, sponsorships, gifts; conflicts of interest; as well as the characteristics of the corporate program for compliance. Therefore, we propose the following anti-corruption clause:

### **Anti-Corruption Clause**

*With the aim of abiding by national and international anti-corruption frameworks, all parties subscribing to the present contract commit to upholding and abiding by the following in order to preserve the integrity of the present legal instrument:*

a) **Prohibited Practices:**<sup>3</sup> *All parties will ban the following practices from being conducted in any way, shape, time, or form, either directly or indirectly, on behalf of the involved subjects, including, but not limited to, directors, officials, relatives, employees, consultants, lawyers, representatives, agents, subcontractors, accountants, or similar intermediaries.*

- i. Bribery*
- ii. Extortion or instigation to crime*
- iii. Traffic of influences*
- iv. Corruption*
- v. Laundering the aforementioned product*

*Any and all contributions, donations, sponsorships, or gifts are strictly prohibited. All parties are subject to being prosecuted for accepting or offering the aforementioned prohibited practices.*

b) **Third-Party Roles:** *Those who act in the name of another party, including, but not limited to, commercial roles; sales; negotiations; licensing, permit, authorization, acquisitions; or any other benefit provided to the party will be subject to the conditions in the present contract. Likewise, they must prove to have not offered, promised, given, authorized, requested, or accepted an economic good or benefit of any other kind in the past and have no plans to do so in the future.*

c) **Accounting, Auditing, and Finance Controls:** *All Parties are committed to certifying themselves via an international or national organization.*

---

<sup>3</sup> We propose that the definitions of prohibited practices abide by the anticorruption rules established by the International Chamber of Commerce, available here: <http://www.iccwbo.org/advocacy-codes-and-rules/areas-of-work/corporate-responsibility-and-anti-corruption/ICC-Rules-on-Combating-Corruption/>.

- d) **Irregularity Accusations:** *The parties in the present contract as well as the persons subject to them, directly or indirectly, commit to denouncing any witnessed irregularity of any kind. This includes but is not limited to any act or omission contrary to Mexican legislation or international regulations.*
- e) **Excusal or Recusal:** *If any conflict of interest emerges, parties commit to excusing themselves or if appropriate, to recuse any party involved in a conflict of interest.*
- f) **Public/Corporate Corruption-Prevention and Law-Abiding Program:**<sup>4</sup> *The parties commit to designing, implementing, and monitoring a corporate program to prevent corruption and to abide to the national and international regulations, which must be approved by an international organization focused on combating corruption. Furthermore, the parties will be legally obliged to uphold the program and as soon as it enters into force, are subject to the applicable legal sanctions for breaking the contract.*

It is necessary to precise that in order for anti-corruption clauses to be properly implemented in contracts, the latter must not contain confidentiality clauses nor be signed along with non-disclosure agreements among the parties involved, as this would nullify the effects of the above anticorruption clause.<sup>5</sup>

### **3. Public Policy – Trust and Ability Controls:**

The public sector needs competent and skilled personnel, just like private companies. It is therefore required to implement certain evaluation methods for recruitment and selection of personnel. It is substantial that the ideal candidate for the position is hired, rather than to impose public officials simply by appointing them. Many countries use evaluation processes that consider skills and abilities to recruit the best candidate for the job position. The European Union uses the European Skills/Competences, Qualifications and Occupations (ESCO) classification, which aims to better understand required skills and competences.

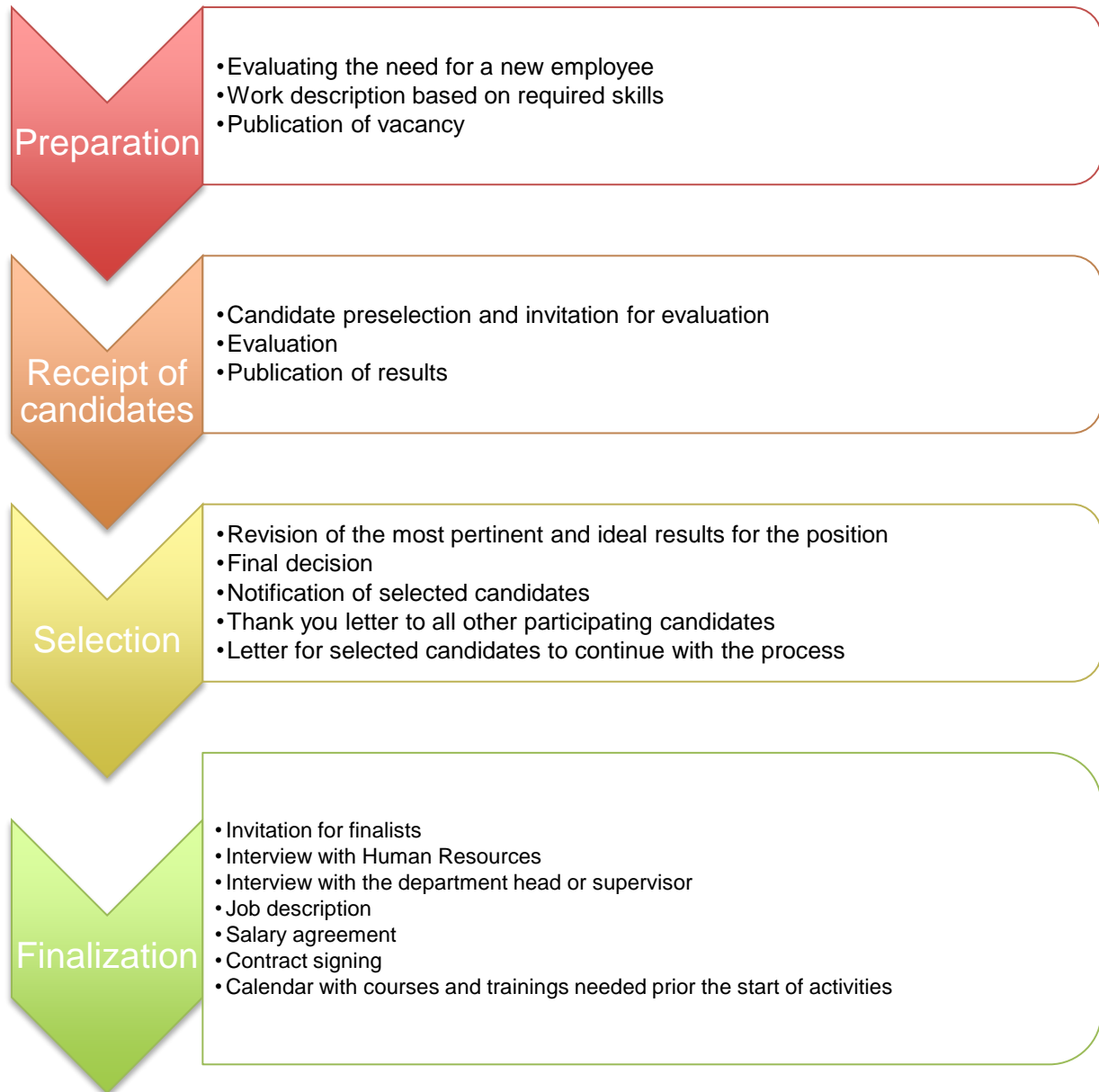
---

<sup>4</sup> We propose that the program abides by article 10 of the International Chamber of Commerce's anticorruption rules, available here: <http://www.iccwbo.org/advocacy-codes-and-rules/areas-of-work/corporate-responsibility-and-anti-corruption/ICC-Rules-on-Combatting-Corruption/>

<sup>5</sup> See page 75 of the terms for the bid, available here: [http://ronda1.gob.mx/Espanol/pdf/PDF-L-01/R01L01\\_Bases-comparadas\(20150529vs20150609\).pdf](http://ronda1.gob.mx/Espanol/pdf/PDF-L-01/R01L01_Bases-comparadas(20150529vs20150609).pdf)



We would propose the following recruitment process based on the China-Europe Public Administration Project (Phase II) (Borbéley-Pecze, 2014):



Public servants in direct or indirect relationships with the energy industry need to be subject to trust-control tests, regardless of how long they have held their public positions. The Attorney General's Office (*Procuraduría General de la República*: PGR) uses polygraph examinations to verify people's trustworthiness and honesty (García, 2013). Nonetheless, these examinations fall under a conflict of interest as the government both judges and takes the exams, discretionally evaluating whether candidates are adequate for the position (PGR, n.d.).

Specific threats against the public sector ethics and integrity standards that could weaken the adherence to them should be pinpointed and anticipated, as corruption and ethics are two sides of the same coin (Whitton, 2001).

We propose the following trust and skills examination method for public officials, based on the Public Service Entrance Exam 371 (PSEE 371) from the Public Service Commission of Canada, 2014:

#### **Admissions Exam for Public Officials**

*The purpose of these tests is to evaluate the candidate's judgment, technical skills in the field, and behavior, as well as to objectively measure conduct. These exams should be designed by a recognized organization or institution and be duly certified.*

- a) **Skills Exam:** *The test evaluates two skills, the first being reasoning and problem solving, and the second being judgment for problem solving in the person's specific work area. The following areas will be evaluated:*
  - a. *Arithmetic reasoning*
  - b. *Logical reasoning*
  - c. *Analytical reasoning*
  - d. *Situations to be resolved according to the candidate's judgment*
- b) **Technical and Theoretical Skills Exam:** *This exam will evaluate technical and theoretical skills for the specific area to which the candidate is applying. It should contain various kinds of questions.*
- c) **Polygraph Examination:** *The polygraph examination aims to measure the candidate's behavior during an interview. The candidate should be evaluated according to situations that could arise in the workplace and should include ethical examinations.*
- d) **Psychometric Testing:** *This is the last part of the evaluation and will objectively evaluate the candidate's behavior.*

*Anyone failing these exams would have to wait 80 days to reapply.*

Trust is a complex concept to be examined. It is directly related to multiple disciplines and is influenced by measurable and immeasurable factors. The complex process of acting under ethical professionalism and values lies under the difficult applicability of it among the public official's results and transparency. As such, public officials need to sign contracts for respecting and upholding the code of conduct, in which if they incur in unfulfilling the contract they will be legally sanctioned. We propose that the Mexican Code of Conduct apply to government bodies at all levels and be based on the US Code of Conduct<sup>6</sup> as well as on the International Code of Conduct.<sup>7</sup>

#### **4. Public Policy – Asset Monitoring:**

While article 108 of the constitutional reform decree posits that public officials need to declare their asset and interest declarations before the corresponding authorities, the article does not establish a proper structure (Mexican Congress of the Union, 2015). Despite the effort to oblige public servants to submit their asset and interest declarations, this is insufficient. The United Nations Framework Convention on Climate Change (UNFCCC) establishes several measures and systems that require public officials to declare their activities outside of work, prior positions, investments, and personal, spouse, or family assets that are directly or indirectly related to the energy sector.

According to the OECD (2011), each country must find an ideal system to declare assets with the goals of increasing transparency and citizen trust in the public administration, helping the government prevent conflicts of interest, and monitoring wealth variations among politicians and public officials. A monitoring system will dissuade public officials from engaging in bad behavior, protect them from false accusations, and, above all, determine if illegal enrichment or illegal activities have taken place.

---

<sup>6</sup> Based on the US Standards of Ethical Conduct for Employees of the Executive Branch, available here: United States Office of Government Ethics. *Standards of Ethical Conduct for Employees of the Executive Branch*. Accessed October 29, 2015, from the Office of Government Ethics: <http://www.oge.gov/Laws-and-Regulations/OGE-Regulations/5-C-F-R--Part-2635---Standards-of-ethical-conduct-for-employees-of-the-executive-branch/>

<sup>7</sup> International Code of Conduct, available here: United Nations Public Administration Programme, (2010). Accessed October 31, 2015, from the United Nations Public Administration Programme: <http://www.unpan.org/DPADM/StandardsCodes/InternationalCodeofConduct/tabid/1290/language/en-US/Default.aspx>

We propose a Public Official Asset Declaration based on the Spanish model (OECD, 2011):

**Center for Public-Official Asset Declarations**

*This organ will be completely independent from all three government branches. Its members must be chosen according to the aforementioned proposal number four, using a transparent and public selection process to be managed by the National Observatory.<sup>8</sup> None of its members may have held a government position in the last five years nor be members of any political party. The organ may seek international assistance and shall be the only body of its kind. Furthermore, said organ will be accountable to the international transparency and anticorruption organizations to which Mexico has ascribed.*

*Activity declarations must include all personal and work activities for the past five years, even if the candidate worked in the private sector before becoming a public servant. In addition, the asset declaration must include all information in regards to assets, including, but not limited to, the good's total worth, location, and payment method. The declaration must also include shares in national or foreign companies as well as all bank transfers. The SHCP is obliged to present the Center its accounting for all public servants in order to corroborate information, including, but not limited to, bank assets and liabilities as well as tax declarations. This must also include declarations for the activities and assets of any spouse, child, parent, or relatives with connections to the energy industry.*

*Considering the tools presented by the OECD (2011) in regards to public officials' asset declarations, the Center would have the following tasks:*

- I. Objectives*
- II. International Legal Framework*
  - a. International Regulations*
  - b. International Standards*
  - c. Mexico's Commitments*
  - d. International Cooperation*
- III. National Legal Framework*
  - a. Legal Base*
  - b. Institutional Arrangements*

---

<sup>8</sup> See proposal 10.

- c. *Center Sovereignty*
- IV. *Subjects*
- V. *Scope*
- VI. *Asset Content*
  - a. *Salary*
  - b. *Goods*
  - c. *Expenses*
  - d. *Pecuniary and Nonpecuniary Interests*
  - e. *Spouse, Relatives, and People with Personal Ties*
- VII. *Declaration Process*
  - a. *Format*
  - b. *Receipt*
  - c. *Formalities Verification*
  - d. *File*
- VIII. *Declaration Study*
  - a. *Matter of Substance*
- IX. *Responsibilities and Sanction*
  - a. *Correction Requirements*
  - b. *Violations*
  - c. *Sanctions*
  - d. *Sanction Applicability*
- X. *Publicizing*
  - a. *Conditions*
  - b. *Requirements and Formalities to Follow*
- XI. *Goods Monitoring*
- XII. *Clarification Requirement*
  - a. *Public Officials*
  - b. *SHCP*
  - c. *Bank of Mexico*
- XIII. *Annual Report*
  - a. *Reporting to International Organizations*
  - b. *Public Report*
- XIV. *Center Evaluation*
  - a. *Citizen Evaluation*

b. *International Organization Evaluation*

XV. *International Certification*

**5. Public and Private Policy – Guarantee Clause:**

In order to avoid conflicts of interest, embezzlement, bribes, money laundering, misappropriation, deviation of funds, traffic of influences, abuse of power, illicit enrichment, fraud, information concealment, obstruction of justice, participation or intention to participate in illicit activities, and any other act or omission contrary to national or international legislation, any public or private person or corporation in the energy sector must provide a guarantee as established in the signed contract for the National Observatory.<sup>9</sup> We propose the following guidelines for the guarantee:

**Guarantee**

*Objective: The guarantee will aim to protect the governed from violating or failing to meet contract terms and/or the obligations of public officials. The guarantee will cover any offense, violation, wrongdoing, or failure to meet contract terms as well as any illegal activities on behalf of any signatory party.*

*Deposit Sale: The guarantee will be granted by a Mexican financial institution certified by an international organization.*

*Deposit Duration: The guarantee will be valid throughout the contract, its renewals, during the guarantee-evaluation process and can be used five years after contract termination if any party violates the law.*

*Sum: The guarantee's sum must be equal to the total project sum.*

*Use: If any violation takes place, the deposit will be used to amend the damages, for third-party compensation, project termination, or project correction. If funds are lacking, the signing parties are obligated to cover the remaining sum.*

---

<sup>9</sup> See proposal 10.

## 6. Public and Private Policy – Taxation:

For the purpose of guaranteeing and significantly reducing corruption stemming from the energy sector transactions, negotiations, procedures, and other industry processes, we must address this problem through an efficient taxation policy. Evidently, corruption has managed to circumvent Mexico's current fiscal measures and structures. The SHCP actually forsakes billions of pesos that could ultimately benefit the population by receiving illicit gifts from companies. Instead, the SHCP often turns a blind eye, allowing this illicit act to increase as new companies enter the energy industry, resulting from the constitutional changes that yielded the energy reform.

According to the International Monetary Fund, countries gaining significant income from natural resources, as is the case in Mexico, need to implement fiscal transparency measures so that citizens can know the exact origin of this income. Further, these countries must equally distribute the income and efficiently administrate it, which will promote the efficient use of public resources, reduce instability in macroeconomic policy, and promote trust in budget processes (2007).

Considering the recommendations and good practices outlined by the International Monetary Fund, we would propose the following:

- A. *Immediately revoking fiscal incentives and benefits from public and private persons or entities engaged in activities concerning the energy industry as soon as they are found to have incurred in corrupt acts. In most cases, guilty subjects are not only left unpunished, but also continue to enjoy fiscal benefits, which does little to dissuade corruption in the energy sector.*
- B. *Publicizing all information on persons and companies receiving income from any activity related to the energy sector, without requiring prior requests for information. Subjects include exploitation and production companies, concessionaries, competitors in public bids, and more. Meanwhile, the publicized information would include:*
  - a. *Personal identification data for individuals.*
  - b. *Disclosure of tax-benefit contract agreements between individuals and tax authorities.*
  - c. *Results and documentation pertaining to the audits performed by the tax authority on the accounting of said individuals.*

- d. *All agreements of production distribution with individuals as payment for hydrocarbons exploitation.*
- C. *Reforming the Tax Code in order to remove tax secrecy, which is found in article 69 of the Code, by the tax authority when the information that must be disclosed corresponds to those individuals who receive an income from the energy industry. The mere fact that some companies receive income from exploiting public goods, such as oil, electricity, etc., makes them the object of public scrutiny, and the authorities should not use tax secrecy to conceal illegal tax operations, whether they are involved or not.*
- D. *Clearly identifying and segmenting in the corresponding annual income budget the income from the energy sector as follows:*
  - a. *Contracting sum with the private sector.*
  - b. *Clearly identifying the contractors.*
- E. *Comparable to the Money Laundering Prevention Portal (Portal de Prevención de Lavado de Dinero), the SHCP must implement a Fiscal Corruption Prevention System by which notary publics shall have to announce all constituted companies engaging or planning to engage in activities related to the energy sector, whichever these may be.*
- F. *Reforming the Law for Hydrocarbons Income so that it specifically defines the amounts to be negotiated. While the law does establish royalties with fixed percentages, as outlined in FUNDAR (2014), is at the discretion of the SHCP whether or not to include them.*

## **7. Public and Private Policy – Conflicts of Interest:**

In order to inhibit corrupt acts in energy sector activities, it is necessary to combat cases of conflict of interest, both those involving public officials as well as those involving private citizens.

There are several situations in which conflict of interest may arise. Among them, we encountered that the heads of the internal-control organs housed under the Federal Commission for Economic Competition and the Federal Telecommunications Institute will be appointed by the Chamber of Deputies, while commissioners are to be appointed by the president of Mexico and ratified by the Senate. The ASF's technical autonomy and management is subject to the Chamber of Deputies, which ultimately impairs the independence and autonomy of the ASF's accountability. The proposed supervisory and internal control bodies are both judge and party in the proceedings, making conflicts of interest notable risks. Likewise, conflicts can arise when public servants



authorize energy matters contracts for relatives, friends, or even fellow members of their political party.

To address this, we would propose the following:

*A) Applying the excusal and recusal figures used in the administration of justice. As such, a civil judge with personal interests or ties to the case must excuse himself from learning from it. If the judge fails to do so, the parties involved in the process can recuse the judge from the current case due to conflict of interest, refraining the judge from having inside knowledge of the case.*

*Correspondingly, we believe that in order to inhibit conflicts of interest, similar measures must be instituted in administrative processes, both for public officials and private citizens involved in the energy sector. Where public officials decide to excuse themselves due to conflicts of interest and when not to, any party involved must request his removal.*

*B) A legal reform for the aforementioned tax and control organs to keep parties from acting as judge and jury, so to speak, at the same time. The reform must grant these organs full decision-making autonomy. Currently, these organs depend on institutions that put them at risk of conflicts of interest.*

## **8. Public and Private Policy – Whistleblowing Channels:**

For the purpose of eradicating energy industry corruption in the public and private sector, both sectors need to play a key role. Therefore, according to the best practices outlined by the OECD, we propose the following:

*Using the law to institutionalize whistleblowing mechanisms against corruption in the public and private sector at any level. These channels for reporting corruption allow any person close to situations, in which these illicit acts may occur, to anonymously and confidentially denounce acts of corruption without exposing their safety.*

According to the OECD, employees must be encouraged to report misconduct, with companies and organizations being lawfully obligated to protect employees when they do so. Whistleblowing is a valuable mechanism in eradicating corruption in both sectors, and employees must not suffer consequences from denouncing corruption.

#### **9. Public and Private Policy – Lobbying:**

According to the author Ignacio González, “lobbying helps streamline processes in the political decision-making, which does not rule out the possibility of applying the procedure to business affairs...” (2008).

According to the OECD (n.d.), lobbying greatly influences the process of law creation and public policy. As such, it should be regulated in order to ensure transparency, integrity, and justice, as it is a necessary step in safeguarding public interests while reducing corruption and conflicts of interest among highly powerful actors. Under the belief that lobbying must be regulated, we propose the following:

*Issuance of a National Lobbying Law as well as corresponding local laws that specifically outline the scope and characteristics of lobbying, but above all, the law must limit power by establishing guidelines and limitations. We propose that, when it comes to matters of national interest, or when it comes to topics that are relevant to the country’s development, betterment, and growth, whether this be in the energy sector or not, the law should specify that legislators cannot yield to lobbyists’ pressures.*

#### **10. Public and Private Policy – National Observatory:**

Based on our analysis and our public and private sector policy proposals, we believe that in order for them to be effective and fulfilled, it is required an independent citizen organ legally empowered to regulate and judge corruption in the energy sector. We propose the following faculties and structure for this observatory:

- a) *It must be created by decree.*
- b) *It must be collegiate structured.*

- c) *It must have its own assets and legal personality, to be composed in part by a fund stemming from its collected corruption sanctions and also, by law, it must receive untied resources from the federal budget.*
- d) *Accountability must take place directly under the citizenry, without the federal government's intervention.*
- e) *The observatory must be subject to audits conducted by international organizations in order to lower Mexico's corruption rates, allowing the country to show that it is upholding its internationally signed commitments.*
- f) *It must have at least 13 members, over whom the president and whoever is serving as secretary can issue casting votes if necessary.*
- g) *Members shall be assigned through open calls organized by internationally recognized and certified Mexican organizations. That is, anyone wishing to become a member should meet the requirements put forward as follows, while providing their reasons for application and a plan of action.*
- h) *Members must have the following characteristics:*
  - i. *They must be older than 30 and be recognized as outstanding citizens in society and in their professional environments.*
  - ii. *They must have accredited, proven experience and a university degree as a minimum requirement.*
  - iii. *They must be recognized for their moral and ethical character.*
  - iv. *They must publicly justify why they want to become candidates.*
  - v. *They must not have served as public servants nor have been members of political parties for the last five years.*
  - vi. *They cannot have relatives with ties or interests in the energy sector who are public servants or members of political parties.*
  - vii. *They must have a demonstrated universal, cultural, and service-oriented education.*
- i) *Once they issue their candidacy, they will be democratically chosen by citizens.*
- j) *The organization will not allow for hiring relatives to any degree, regardless of the area.*
- k) *Observatory action plans:*
  - i. *The implementation of a new digital system for anonymous tips, allowing for the real-time registry of corrupt events perpetrated by private citizens or public servants in the energy industry.*

- ii. *The implementation of a national registry of corrupt persons, including public servants and companies. The registry must precisely outline the name of the person or company involved, the illegal act, the corresponding sanction, and current workplace. The registry must be accessible to all people at all times.*
- iii. *Implementing a digital monitoring and evaluation system for the prior and subsequent processes surrounding any energy-industry-related activity. This system must consolidate all information including, but not limited to activities carried out, payment settlements, and the digitalization of each document between the government and the private sector. It is worth mentioning that the proposed system must contain all the information of all involved organs and parties, especially those from the energy sector. The system should be updated regularly.*
  - l) *The system must be able to investigate and receive complaints and tips, turn them over to the authorities, and conduct follow-up processes.*
  - m) *It must require audits from internationally certified Mexican organizations in regards to all opened energy-related processes.*

## VII. Conclusion

In light of the analysis we have provided, it is feasible to conclude that economic competitiveness, democratic institutions, and the Mexican legal system have been particularly weakened by corruption. This, in turn, has led to encouraging the strengthening of a disrespectful government that does not uphold the rule of law, celebrating impunity and opacity. Further, corruption has created a society that rejoices in the personal benefits it gains from corruption, ultimately undermining and lessening the strength of Mexico's legal efforts to combat corruption.

Along the same lines, the energy sector has been particularly affected by corruption as well. Our prior analysis suggests that, within Mexico's energy legislation, we can find conflicts of interest, sprawled and ambiguous language, inconsistent sanctions, issues with transparency as an end goal, and a lack of policies and mechanisms. Time lapses, processes, and economic benefits are so momentous that they only cause competition to become unfair and that whoever can gets more, yielding ideal spaces for corruption. Undeniably, Mexico is imbued with corruption, and although it has opened up in terms of transparency, it has not yet been able to slow down the high rates of corrupt acts that occur in the hydrocarbons, electricity, and renewable energy processes, contracts, and bids. As such, foreign companies are wary of investing in Mexico's energy sector.

The absence of a political and legal culture has opened the doors for the government's directive to fail in terms of transparency, honesty, and leadership. Furthermore, the lack of a strict structure leads to a legal disengagement of all the governed, as it allows them to find ways to circumvent the law and the government. Unfortunately, "corruption in Mexico is not a plague within the system, but is in fact the system itself" (Zaid, 2013). We believe the proposals presented above favor the advancement and improvement in Mexico's processes to counter and eradicate corruption. Therefore, it is necessary to comprehensively include all political, social, cultural, economic, and educational sectors, as well as the consolidation of a deeply necessary will to correct the country's road to corruption. Thousands of laws can be reformed or issued and the entire structure can be transformed, but, so long there is not a change in political will; an understanding of what public officials are for; a societal activism that demands its leader's prosperity, honesty, clarity, and respect; an education that cultivates values and morals; an ethics in professions; a seriousness in the responsibilities and a learning of history; then nothing can eradicate corruption.

## VIII. Bibliography

Antón, J. (2014). El país más corrupto del mundo. *Forbes México*. Accessed October 15, 2015, at: <http://www.forbes.com.mx/el-pais-mas-corrupto-del-mundo/>

Bors Borbéley-Pecze, T. (2014, Agosto 28). Manual for the renewal of the civil servants' examination and position management system in China. *China-Europe Public Administration Project II (CEPAII)*. Accessed here: <http://www.cepa2.org/down/2014-12/Manual%20on%20Examination%20and%20position%20managment.pdf>

Casar, M. (2015). *México: Anatomía de la Corrupción*. Mexico City, Mexico: IMCO- CIDE.

ICC Corporate Responsibility and Anti-Corruption Commission and ICC Business Ethics. (2012). *ICC Anticorruption Clause*. *International Chamber of Commerce*. Accessed: <http://www.iccwbo.org/Advocacy-Codes-and-Rules/Areas-of-work/Corporate-Responsibility-and-Anti-corruption/Buisness-Ethics-Documents/ICC-Anti-corruption-Clause/>

Departamento de Cooperación Jurídica. (2011). Convención Interamericana. *Organization of American States*. Accessed October 15, 2015, at: [http://www.oas.org/juridico/spanish/corr\\_ante.htm](http://www.oas.org/juridico/spanish/corr_ante.htm)

Estévez, A. M. (2005). Reflexiones teóricas sobre la corrupción: sus dimensiones política, económica y social. *Revista Venezolana de Gerencia*, 10(29) 43-85. Accessed at: <http://www.redalyc.org/articulo.oa?id=29002904>

Flores V., M. and Espejel M., J. (2008). Corrupción y transparencia: una aproximación desde la filosofía política de Immanuel Kant. *Espacios Públicos*, 11(21) 44-63. Accessed: <http://www.redalyc.org/articulo.oa?id=67602104>

International Monetary Fund (2007). *Guía sobre la transparencia del ingreso proveniente de los recursos naturales*. Accessed: <http://www.imf.org/external/spanish/np/pp/2007/101907gs.pdf>

FUNDAR (2014). La Reforma Energética en México: retrocesos en la gobernanza democrática de los recursos naturales. *FUNDAR, Centro de análisis e investigación*. Accessed October 15, 2015, at: <http://fundar.org.mx/la-reforma-energetica-en-mexico-retrocesos-en-la-gobernanza-democratica-de-los-recursos-naturales/>

GAN Integrity Solutions. (2015) Business corruption in México. *Business Anti-Corruption Portal*. Accessed October 15, 2015, at: <http://www.business-anti-corruption.com/country-profiles/the-americas/mexico/show-all.aspx>

García Gibson, R. (2013). *Economía y Finanzas: Hacia un control de confianza eficiente*. *Forbes*. Accessed October 15, 2015, at: <http://www.forbes.com.mx/hacia-un-control-de-confianza-eficiente/>

Gobierno de la República. (n.d.). *Reforma Energética*. Accessed October 15, 2015, at: <http://cdn.reformaenergetica.gob.mx/explicacion.pdf>

González, I. (2008). El cabildeo y la comunicación organizacional. *Razón y Palabra*, 13(63) Accessed: <http://www.redalyc.org/articulo.oa?id=199520798025>

Honorable Congreso de la Unión. (May 27, 2015). Decreto Reforma Constitucional en materia de Combate a la Corrupción. *Diario Oficial de la Federación*. Accessed October 15, 2015, at: [http://dof.gob.mx/nota\\_detalle.php?codigo=5394003andfecha=27/05/2015](http://dof.gob.mx/nota_detalle.php?codigo=5394003andfecha=27/05/2015)

Jaime, E., García, M., and Avendaño, E. (n.d.). Rendición de Cuentas y Combate a la Corrupción: Retos y Desafíos. *México Evalúa*. Accessed: <http://www.mexicoevalua.org/wp-content/uploads/2013/03/cuaderno-06.pdf>

Mariana, G., and Avendaño, E. (Noviembre de 2012). ¿Cómo controlar la corrupción en México? *México Evalúa*. Accessed October 15, 2015, at: <http://mexicoevalua.org/2012/11/mexico-evalua-corrupcion-impresion/>

Natural Resource Governance Institute. (2013) *México*. Accessed October 15, 2015, at: <http://www.resourcegovernance.org/countries/latin-america/mexico/overview>

OECD. (December 17, 1997). OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. *Organisation for Economic Co-operation and Development*. Accessed October 15, 2015, at: <http://www.oecd.org/corruption/oecdantibriberyconvention.htm>

OECD. (2011). Asset Declaration for Public Officials: A Tool to Prevent Corruption. *Organisation for Economic Co-operation and Development*. Accessed October 15, 2015, at: <http://www.oecd.org/corruption/anti-bribery/47489446.pdf>

OECD. (2015). Estudios Económicos de la OCDE MÉXICO. Accessed October 15, 2015, at: <http://www.oecd.org/economy/surveys/Mexico-Overview-2015%20Spanish.pdf>

OECD (2015), Consequences of Corruption at the Sector Level and Implications for Economic Growth and Development. *OECD Publishing*. Accessed October 15, 2015, at: <http://dx.doi.org/10.1787/9789264230781-en>

OECD. Lobbying. *OECD, Best policies for better lives*. Accessed October 15, 2015, at: <http://www.oecd.org/corruption/ethics/lobbying.htm>

OECD. Whistleblower protection. *OECD, Best policies for better lives*. Accessed October 15, 2015, at: <http://www.oecd.org/corruption/ethics/whistleblower-protection.htm>

Office of Government Ethics. Standards of ethical conduct for employees in the executive branch. *United States Office of Government Ethics*. Accessed October 15, 2015, at: <http://www.oge.gov/Laws-and-Regulations/OGE-Regulations/5-C-F-R—Part-2635—Standards-of-ethical-conduct-for-employees-of-the-executive-branch/>

United Nations. (2010) International Code of Conduct. *United Nations Public Administration Programme* Accessed: <http://www.unpan.org/DPADM/StandardsCodes/InternationalCodeofConduct/tabid/1290/language/en-US/Default.aspx>

Organización Nacional Anticorrupción. (October 20, 2015). Infografía: ¿Cómo controlar la Corrupción en México? *Organización Nacional Anticorrupción*. Accessed October 15, 2015, at: <http://oneamexico.org/como-controlar-la-corrupcion-en-mexico-es-es-el-estudio-completo-de-mexico-evalua/>

Presidencia de la República. Reforma energética. *Presidencia de la República*. Accessed October 15, 2015, at: <http://www.presidencia.gob.mx/reformaenergetica/#lleyes-secundarias>

Procuraduría General de la República. Centro de Evaluación y Control de Confianza. *Procuraduría General de la República*. Accessed October 15, 2015, at: <http://www.pgr.gob.mx/Transparencia/Paginas/Evaluacion-y-Control-de-Confianza.aspx>

United Nations Development Programme. (October 2013). Hacia una primera reflexión: Sobre políticas anticorrupción: Algunos insumos para la implementación de la Convención de las



Naciones Unidas contra la Corrupción desde la experiencia de América Latina. *Programa de Naciones Unidas para el Desarrollo para América Latina y el Caribe*. Accessed: [http://www.latinamerica.undp.org/content/dam/rblac/docs/Research%20and%20Publications/Democratic%20Governance/politicasACespanol\\_0.pdf](http://www.latinamerica.undp.org/content/dam/rblac/docs/Research%20and%20Publications/Democratic%20Governance/politicasACespanol_0.pdf)

Public Service Commission of Canada. (October 1, 2014). *Public Service Entrance Exam 371*. *Public Service Commission of Canada*. Accessed October 15, 2015, at: <http://www.psc-cfp.gc.ca/ppc-cpp/psc-tests-cfp/psee-eefp-371-eng.htm>

PWC. (2014). *Encuesta sobre delitos económicos 2014*. Accessed October 15, 2015, at: <https://www.pwc.com/mx/es/servicios-forenses/archivo/2015-04-encuesta-delitos.pdf>

Revenue Watch Institute. (2013) *Índice de Gobernanza de los Recursos Naturales, una evaluación de la transparencia y rendición de cuentas en los sectores petrolero, gasífero y minero*. Accessed October 15, 2015, at: [http://www.resourcegovernance.org/sites/default/files/rji\\_2013\\_Spa\\_0.pdf](http://www.resourcegovernance.org/sites/default/files/rji_2013_Spa_0.pdf)

Sarquis, D. (2008). Raíces históricas del problema de la corrupción en México. *Razón y Palabra*, 13(62). Accessed: <http://www.redalyc.org/articulo.oa?id=199520738017>

Secretaría de Energía. (2014). Principales Características de la Reforma Energética. *Secretaría de Energía - Prensa*. Accessed: [http://sener.gob.mx/res/prensa/Reforma\\_Energetica-principales\\_caracteristicas.pdf](http://sener.gob.mx/res/prensa/Reforma_Energetica-principales_caracteristicas.pdf)

Transparency International. (2013). National Results. *The Global Corruption Barometer 2013*. Accessed October 15, 2015, at: <http://www.transparency.org/gcb2013/country/?country=mexico>

Transparency International. (2014). Corruption Perceptions Index: Results. *Transparency International, the global coalition against corruption*. Accessed October 15, 2015, at: <http://www.transparency.org/cpi2014/results>

Transparency International. (2015). How do you define corruption? *Transparency International, the global coalition against corruption*. Accessed October 15, 2015, at: <https://www.transparency.org/what-is-corruption#define>

United Nations Office on Drugs and Crime. (2004). Corruption - United Nations Convention Against Corruption. Accessed October 15, 2015, at: [https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026\\_E.pdf](https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf)

United Nations Office on Drugs and Crime. (2015). UNODC y Corrupción. *Oficina de Enlace y Partenariado en Brasil*. Accessed October 15, 2015, at: <http://www.unodc.org/lpo-brazil/es/corrupcao/>

Whitton, H. (February 2001). Implementing Effective Ethic Standards in Government and Civil Service. *Organisation for Economic Co-operation and Development*. Accessed: <http://www.oecd.org/mena/governance/35521740.pdf>

World Economic Forum. (2015). Competitiveness Rankings. *The Global Competitiveness Report 2015-2016*. Accessed October 15, 2015, at: <http://reports.weforum.org/global-competitiveness-report-2015-2016/competitiveness-rankings/>