



Nine questions and observations about Honduras's new anti-corruption mechanism

By Eric L. Olson and Katherine Hyde

Facing growing public pressure to address major corruption scandals in Honduras and mounting evidence of widespread impunity among the country's elite, the government of Juan Orlando Hernández inked a deal with the OAS Secretary General last week which is aptly named the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH). The following are a few observations and questions that need urgent attention if this and other efforts are to be more than mere window dressing:

- 1) It is interesting to note that the very name of the initiative is an implicit admission of the extent of problems in Honduras. Corruption is rampant and accountability is seldom ensured, or this kind of initiative would not be necessary. Clearly the Honduran government felt it was necessary or they wouldn't be asking the OAS in a very public way for help in combating corruption.
- 2) The new Secretary General has put his reputation on the line with this plan. If the MACCIH becomes mere window dressing, not only will the Hernández government look bad but so too will the much questioned relevance of the Secretariat and the reputation of its Secretary General, Luis Almagro.

- 3) There is widespread belief that the MACCIH is simply an attempt by the Honduran government to avoid the formation of a U.N.-backed anti-impunity and anti-corruption body similar to the International Commission against Impunity In Guatemala (CICIG). The CICIG became popular throughout the region and especially in neighboring Honduras after the international body, along with the Guatemalan Attorney General, uncovered a widespread corruption network in the country's tax and customs agency that led to the resignation and subsequent arrest of Guatemala's President and Vice President. Many in Honduras believe that an independent, internationally sponsored investigative body is needed to deal with the widespread corruption. For his part, President Hernández has resisted calls for a CICIG in Honduras and prefers a "Honduran solution" characterized by a very limited role for investigators and international consultants. The onus is now squarely on Hernández (and the OAS) to prove that the MACCIH is not simply a clever ploy to resist accountability.
- 4) Calls for a CICIG in Honduras emerged from the streets when hundreds and thousands began marching to demand accountability for a major corruption scandal within the country's healthcare system — known as the Instituto Hondureño de Seguridad Social (IHSS). The scandal, which first broke in January 2014 when then President Porfirio Lobo Sosa launched an investigation of IHSS, is estimated to have resulted in the loss of as much as \$200 million and may have led to the death of numerous patients for lack of medication and equipment. Additionally, President Hernández has acknowledged that funds from the IHSS corruption scheme found their way into his campaign coffers during his 2013 presidential campaign. He asserts he was unaware of this transgression and was not personally involved. But the revelations understandably outraged many who took to the streets to call for a thorough investigation and accountability for the scandal. They hoped a CICIG-like mechanism in Honduras would have the

independence to carry out such a sensitive investigation. The question before Hernández and the Honduran people is how will the MACCIH accomplish this? How will it lead to a thorough investigation of this scandal and accountability for those who have pillaged the healthcare system of one of the region's poorest countries?

- 5) The MACCIH was supposed to be the outcome of a national dialogue. In reality, the Secretary General sent a Chilean diplomat with little experience working with civil society or building consensus. He proceeded to hold a series of meetings with different sectors of society and then announced he had heard enough to make his proposal. But whatever the content of the proposal, it will lack the broader social support that comes from a process built on consensus.
- 6) What will the MACCIH accomplish? As it has been described in an official document released by the OAS, the mechanism will do the following:
 - a. Establish a group of international judges and prosecutors to consult in corruption investigations and prosecutions
 - b. Identify obstacles to the full functioning of the Honduran judiciary and suggest lines of action for future improvements
 - c. Implement anticorruption recommendations from the OAS
 - d. Follow up on regional and national citizen security initiatives proposed by the OAS such as building a culture of strategic planning, digitizing and sharing information among government institutions, and supporting police reform
 - e. Create a justice observatory of Honduran academic organizations and civil society to monitor and evaluate the progress of reforms

- 7) The priority of the MACCIH seems to be assessment and recommendations for institutional reform. There is little question that institutional reforms are needed, but I know of at least two internationally sanctioned, highly credible assessments of Honduras's law enforcement institutions and justice system in the last four years, and their findings and recommendations are very sound. Yet, the government of Honduras (both current and previous) failed to act on the vast majority of these recommendations. The question is whether it is really necessary at this point to carry out additional costly assessments and evaluations and again develop reform proposals when much of the work has already been done. Why not adopt the recommendations that have already been made by international bodies — including, ironically, the OAS just six months ago — and get to work now?
- 8) And the longer these needed reforms take to be formulated, adopted, and implemented, the further Hondurans are from getting to the bottom of the IHSS scandal. A thorough, technically sound, politically independent, internationally supported investigation into the IHSS case, the very thing street protesters wanted to begin with, would likely have a much larger impact on corruption and impunity than a far reaching institutional assessment and reform agenda that might take years to put into place, if at all. The lesson from Guatemala is that this kind of investigation can gain the support of the public while immediately holding political elites responsible, an element desperately needed in Honduras and any other country where corruption has crippled its institutions.
- 9) Finally, who is going to pay for the MACCIH? It's highly doubtful that the OAS or the Government of Honduras has the money to pay for such an endeavor. President Hernández has announced that the international team of judges and prosecutors will be paid by the OAS, but it is doubtful that the OAS can foot the entire bill given their precarious financial situation. One

Honduran official suggested the annual cost might be \$1 or \$2 million. It is possible the Honduran government may fund it out of its existing resources, but there is undoubtedly hope that Uncle Sam will pony up as well. After all, the argument goes, the United States is already heavily funding the much more expensive CICIG in Guatemala, which reportedly costs around \$12 million annually, so why not fund a much cheaper MICCIH? It will be up to the U.S. Congress to decide whether this is a bargain or not. There are two questions Congress may want to consider before it decides. Why would the United States want to fund assessments if very similar work has already been conducted, one by the State Department's Bureau of Conflict and Stabilization Operations (CSO)? Is paying for additional assessments the best use of scarce resources? Additionally, how certain are we that the MACCIH will actually result in accountability for corruption such as that found in the IHSS case? It might be cheap but does it do the job?

Next, a discussion of a possible alternative.