



CITIZENS AGAINST CORRUPTION

REPORT FROM THE FRONT LINE

PIERRE LANDELL-MILLS

Citizens Against Corruption

Report from the Front Line

Pierre Landell-Mills

Partnership for Transparency Fund

Dedication

To the many brave and selfless individuals across the world who have dedicated themselves working for civil society organizations to fight corruption, ignoring the risks and seeking no special reward.

To my colleagues in the Partnership for Transparency Fund who have freely made available their knowledge and experience to assist and encourage civil society organizations in over forty countries in exposing the abuse of power by public officials. And especially in memory of Barry Metzger who served as a board director and legal counsel to the Partnership for Transparency Fund selflessly and with great commitment from its earliest days in 2000 until his untimely passing in December 2012.

To my friends in Transparency International who have always supported the work of the Partnership for Transparency Fund in assisting civil society organizations to put a stop to bribery and extortion, and the embezzlement of public funds.

And, lastly, to my wife, Joslin, who has supported the writing of this book at every stage and has given me constant encouragement.

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Abbreviations

ADB	Asian Development Bank
ACIJ	Asociación Civil por la Igualdad y la Justicia, Argentina
AE	Alimantate Ecuador
AGDGG	Action Group for Democracy and Good Government, Cameroon
APPP	African Power and Politics Programme
BBC	Bishops-Businessmen's Conference, Philippines
CAC	Citizens Against Corruption <i>or</i> Coalition Against Corruption, Philippines
CAO	Citizens' Advocacy Office, Albania
CCAGG	Concerned Citizens of Abra for Good Government, Philippines
CCT	Conditional Cash Transfer, Philippines
CEPED	Community Engagement for Peace and Development, Kenya
CESD	Centre for Economic and Social Development, Azerbaijan
CIPPEC	Centro de Implementación de Políticas Públicas para la Equidad y el Crecimiento, Argentina
CLD	Corporacion Latinoamericana para el Desarrollo, Colombia
CODE-NGO	Caucus of Development NGO Networks, Philippines
COE	Code of Ethics
COI	Conflict of Interest
CSO	Civil Society Organization
DARC	Development Alternatives and Resources Centre, Nigeria
DFID	Department for International Development, UK
EEC	European Economic Community
EU	European Union
FACT	Forum Against Corruption and Turmoil, Nepal
FEC	Foundation for the Exercise of Citizenship, Argentina
FITCAM	Cameroonian affiliate of the International Governance Institute
FOI	Freedom of Information
FONTRA	Fondo Regional Para la Promoción de la Transparencia, Uruguay
ForDIA	Concern for Development Initiative in Africa, Tanzania
ICD	Instituto de Comunicacion y Desarrollo, Uruguay
IMF	International Monetary Fund
INECIP	Instituto de Estudios Comparados en Ciencias Penales y Sociales, Argentina
KWSB	Karachi Water and Sewerage Board, Pakistan
MBC	Makati Business Club, Philippines
NAMFREL	National Citizens' Movement for Free Elections, Philippines
NAFODU	National Foundation for Democracy and Human Rights, Uganda
NDC	National Democratic Congress, Ghana
NPP	National Patriotic Party, Ghana
NREGS	National Rural Employment Guarantee Scheme, India
NRM	National Resistance Movement, Uganda
NGO	Non-Governmental Organization
NJMO	Nava Jeevana Mahila Okkoota, India
NRM	National Resistance Movement, Uganda
OECD	Organization for Economic Cooperation and Development
PDS	Public Distribution System, India

PORIS	African International Group of Political Risk Analysis, Tanzania
PRIA	Society for Participatory Research in Asia, India
PTF	Partnership for Transparency Fund
P2N	Philippine Procurement Network
RTI	Right to Information
SDI	Society for Democratic Initiatives, Sierra Leone
SK	Sangguniang Kabataan, Philippines
SOFAZ	State Oil Fund of Azerbaijan
SMC	School Management Committee
SVYM	Swami Vivekananda Youth Movement, India
TAN	Transparency and Accountability Network, Philippines
TI	Transparency International
TI-M	Transparency International, Mongolia
TR	Transparency Rwanda
TTTI	Trinidad and Tobago Transparency Institute
UENO	Uganda Ethics Network Outreach
UJCC	Uganda Joint Christian Council
ULS	Uganda Law Society
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
WSP	Women for Social Progress, Mongolia
WWF	World Wildlife Fund

Foreword

This book tells the story of a remarkable endeavor, simple in conception yet brilliant in execution, namely the mobilization of the enthusiasm of a large number of seasoned development specialists with a strong commitment to pilot new ways to root out corruption in public agencies. Their task was to assist small civil society organizations to devise well-conceived projects to tackle directly specific acts of corruption, projects that could be supported by small grants. These advisers have all worked as volunteers without remuneration. In this matter, surely never before has so much been achieved with such limited resources.

The organization responsible for these achievements is the Partnership for Transparency Fund, created in 2000 to support civil society organizations fighting corruption. In those days official donors were chary of directly funding civil society activists confronting corrupt public agencies, both because they were nervous of political repercussions and because they found it costly and time consuming to administer small grants. There was also the risk of undermining the credibility and legitimacy of activists by accepting establishment funding for delicate projects. It was the intention of PTF's founders that it fill this gap. We hoped to make a breakthrough, but we did not anticipate how successful PTF would become.

The clue to PTF's success has been the marrying of high quality expertise with the energy and guts of young activists who are determined to stop the corruption that undermines the development of their countries and damages the lives of ordinary citizens, especially the poor and vulnerable. This experiment has shown that small grants can have a huge impact. Yet despite this, funding is still hard to come by. PTF is struggling to attract the support it deserves not because the results are in doubt, but simply because donor policies have moved on to other 'priorities' in the continuing pursuit of new fads. This is sad indeed. Official donors are dispensing ever larger amounts, but they have not absorbed the lessons of their past failures. While there is broad agreement that they have limited leverage to persuade governments to stop corruption, they remain hesitant to support civil society in demanding more accountable and transparent governance. I hope this book will help convince funders that what PTF has begun should be continued and expanded.

Peter Eigen
Founder and
Chair, Council of Advisers
Transparency International

INTRODUCTION

Turning the Tables on Corruption

Corruption lies at the core of bad government and is the most critical obstacle to overcoming poverty in developing countries. Nearly US\$6 trillion was misappropriated in poor countries between 2001 and 2010 with devastating impact on the livelihoods of ordinary people.¹ Almost everyone professes to hate corruption, but until recently few people believed they could stop it. Too often the man in the street accepted corruption as if it were a permanent societal disability to be borne with resignation. But now attitudes are changing. People are increasingly intolerant of being squeezed for bribes and are ever more incensed at predatory officials growing fat on extortion and crooked deals. They have become more aware of what is happening and they want to do something about it. But can they?

The belief that they can is the theme of this book. It builds on a large number of well documented accounts of ordinary citizens deciding to take matters into their own hands². To give just one example, the *Concerned Citizens of Abra*, a group campaigning against corruption in a landlocked province in the north of the Philippines, decided in 2009 to monitor the construction of a highway being built to give better access to their district, suspecting that the contractor would as usual make fat profits by skimping on materials. They knew that with sub-standard work the road would not last. Abra has remained poor partly because it has very poor roads and this was a road that was much needed. Concerned Citizens' volunteers argued with the workers on the job. They counted only 26 bags of cement being used with the aggregates, while the workers insisted there were 36. The volunteers suggested counting the fresh cement bags strewn around. The contractor would not hear of it. The volunteers, convinced that the quantity of concrete being used was insufficient, sought the shade of a nearby tree and waited to see where the concrete mix was poured. This done, they left. They then complained about the scam to the province's Department of Public Works and Highways. The Director was eventually persuaded to send a team to investigate. The inspectors found weak concrete, poor sub-base preparation, and the use of oversized aggregates resulting in longitudinal cracks in the roadbed. The contractor was forced to rebuild the flawed road at his own expense and the project engineer, who was part of the scam, resigned "because of shame". This was a modest achievement in a remote place, but if actions like this are taken countless times across the country, it starts to make a real difference. This book documents dozens of similar cases where citizens have successfully called corrupt officials to account.

It is not only local corruption that is being tackled. Citizens also have 'grand larceny' in their sights, an altogether more dangerous task since those targeted are often both powerful and ruthless. But it is happening. In Azerbaijan in 2008, some brave researchers working at the Center for Economic and Social Development had been tracking the use of oil revenues

¹ See *Illicit Financial Flows from Developing Countries: 2001-2010*, Global Financial Integrity, December 2012.

² See www.PTFund.org for full details of the projects described in this book.

deposited in the State Oil Fund. The Fund is chaired by the autocratic State President, Ilham Aliyev, someone not used to being challenged. The Center audited a project to build houses for those displaced in the Nagorno Karabakh conflict and identified US\$50 million as unaccounted for. Such was the publicity given to this investigation that the missing funds were quickly ‘found’ and returned to state coffers.

When we put together all the stories we have of citizens making a real difference often with very few resources, it becomes evident that we have a true revolution in the making. Individual initiatives may be impressive, but they are inevitably limited in time and space. But if countless such initiatives across the globe were aggregated, then we would soon reach the ‘tipping point’ where the relationship of citizens to their governments starts to shift from deliberate opacity and lack of accountability to one where public officials will not dare to abuse their power or steal the common wealth. Modern information technology and an ever growing proportion of citizens aware of what is happening and no longer willing to tolerate misuse of power will speed this process forward.

The social and political framework

The central cry during the Arab ‘spring’ in 2011 was not just to establish democratic government, but also very pointedly to stop corruption. And this has been a central theme of most other such uprisings. A new regime typically identifies fighting corruption as one of its key objectives. In recent years governments have signed up en masse to the UN Convention Against Corruption adopted by the UN General Assembly in October 2003, as well as to various regional anti-corruption conventions.³ But corruption remains widely and deeply engrained in the fabric of state and society. The anti-corruption rhetoric of political leaders hides their cynical resistance to taking effective action. And poor countries, heavily dependent on aid or receiving a large part of their revenues from exploiting oil or mineral wealth, are particularly susceptible to corruption.

As we have learnt from decades of failed donor programs, reform cannot be imposed from abroad. Corruption will only be curbed if citizens make a stand. This book examines whether this is possible. The failure of donors to promote successful governance reform is largely because they work directly with governments on the mistaken assumption that political leaders generally are willing and dependable partners. In most countries, political leaders use money to gain power and to stay there. Corruption has been an easy way to fund political activity. Extracting political contributions from ordinary people is hard work. Making profits from exploitative monopolies and diverting income from natural resource exports into the coffers of the ruling party, as well as into personal bank accounts, is much easier. Meanwhile, more junior officials can be kept loyal by leaders turning a blind eye to their petty corruption.

Whereas in the past political leaders easily shrugged off allegations of corruption, governments nowadays are under greater pressure to respond to the mounting anger of ordinary citizens at the predatory activities elites lining their pockets at the public’s expense. Recent events in India over the past year are a good example. There, a middle class revolt led by the charismatic Anna Hazare forced a reluctant parliament to introduce new anti-

³ For example, the OECD Anti-Bribery Convention (1997), the Inter-American Convention Against Corruption (1996), the ADB-OECD Anti-Corruption Action Plan for Asia-Pacific (2001) and African Union Convention on Preventing and Combatting Corruption (2003).

corruption measures. Bribery across borders is increasingly being made a criminal offence,⁴ even though major players such as China, Russia and Brazil have yet to fall in line. So some progress has been made, but not enough to put much of a dent in the level of corruption across the globe. The speeches of political leaders are now largely on cue, but effective actions to sanction corrupt behavior are still lagging.

Over the past two decades, corruption has been taken out of the closet. Twenty-five years ago there was little official talk of corrupt government and its bedfellow, unaccountable public agencies, as the principle bottleneck to development. There were of course a string of scandals, but no sense that corruption lay at the heart of the bad governance that was keeping people poor. Many had argued that corruption was natural and we should all learn to live with it. Sometimes it was even claimed that corruption oiled the wheels of inefficient bureaucracy, helping businessmen to side-step bottlenecks, and hence aided development. High income countries, where domestic corruption was generally much less evident, were ready to accept their exporters bribing to gain contracts in poorer countries as necessary and unavoidable. They even allowed bribes as a business expense in their tax codes. This is no longer the case.

That corruption holds up social and economic development and damages the social fabric is now uncontested. Moreover, it is recognized that corruption harms most the poorest and most vulnerable people. Research has greatly extended our awareness of the extent that public resources are being siphoned into private pockets and transferred abroad. Billions of dollars are being drained each year from relatively poor countries into bank accounts, real estate and other assets located in the more advanced countries.⁵ But knowing that this is going on has not so far led to effective actions to stop it. The outrage expressed by ordinary citizens, unless channeled into effective collective action, is akin to whistling in the wind. A much more determined, focused and intelligent campaign within each country, as well as internationally, is needed to stem the flow of public money into private pockets and ensure that the day to day interactions between citizens and public officials are freed from bribery and extortion. Actions are required to discourage both bribe payers as well as bribe takers. Even more importantly, measures are needed to reduce the opportunities for corruption by redesigning administrative systems in ways that limit individual official discretion in situations where decisions might be influenced by bribes.

In too many poor countries corruption is so much a part of everyday life that citizens view it as normal. Worse still are citizens' feelings of impotence, compounded by ignorance of their rights within a social order dominated by powerful elites willing to use force to maintain their privileges. Ordinary people are trapped within a hierarchical and all-encompassing system of patronage with deep societal roots. Social relations within the immediate confines of kinship and community developed over millennia embody reciprocal obligations that bind people together. When transferred to the larger context of modern nation states these practices result in conflicts of interest that are hard to resolve. A new code of ethics is needed that distinguishes between what may have been appropriate within traditional communities and what is now required for the efficient and honest functioning of modern societies with far more complex transactions. The formal must replace the informal and be guided by a set of rules that are transparent and respected, reflecting a widespread public consensus.

⁴ E.g. the US Foreign Corrupt Practices Act of 1977; also the OECD Anti-Bribery Convention establishes legally binding standards to criminalize bribery of foreign public officials in international business transactions.

⁵ There are many studies setting out the costs of corruption. E.g. see Frank Vogl, *Waging War on Corruption*, 2012 and *Costs and Consequences of Corruption*, World Bank (<http://go.worldbank.org/MSL2SI9ZE0>).

Thus, endemic corruption need not be seen as an isolated or isolatable social disease. Rather it is most often an integral part of a complex political system built on patronage and coercion. Corruption, of course, will never be completely stopped. Almost everywhere there is a never-ending battle to keep public officials honest. But there is a huge difference between countries like Nigeria or Bangladesh where corruption is endemic, permeating every aspect of life with impunity, and those such as the Scandinavian countries where it occurs only occasionally and, when exposed, is swiftly punished. The transition between the two is a long hard slog. And it involves a huge change in mind-set—indeed, little short of a cultural revolution.

Corruption is but one symptom of a much wider problem of poor governance.⁶ Corruption will only be effectively curbed when citizens force their political leaders and their officials to be accountable and to fully respect the rule of law. Adopting a right to information law, imposing codes of ethics, defining what are unacceptable conflicts of interest, encouraging and protecting whistleblowers, and making government transactions transparent are all critical parts of the reform. Too often the discussion of governance reform within the development community has been couched in the political assumptions of modern ‘western’ democracies with highly developed economies and institutions. This is far from the reality of a large number of countries where political power is largely held by an entrenched and self-serving elite who exclude the bulk of the population from access to the country’s wealth. The security and judicial systems are geared to serve the interests of the elite and the contest for power takes place largely among different factions of the elite. This situation has been described by Douglas North in a recent seminal study⁷ as a *limited access order* in contrast to an *open access order* found in the most developed economies. This assumes that a well governed country is one where the rule of law is enjoyed equally by all citizens, government is regarded by its citizens as legitimate, and the key institutions of the state function in an open, transparent and accountable manner.⁸ These characteristics help to limit corruption and make a government responsive to the needs of citizens.

Countries with *limited access orders* are fragile. Stability depends on achieving a political settlement through intra-elite negotiations among different groups that have ultimate recourse to violence—armed forces, gangs of hoodlums, or street mobs. Lasting reform cannot be imposed from outside by armed intervention (as we have seen in Afghanistan) or through donor conditionality (as was evident from the World Bank’s failed structural adjustment programs). Rather it has to be internally generated. Countries lie along a broad spectrum from a basic limited access order through to more mature but still limited access to open access. Although open access is strongly associated with developed economies, progress from one to the next is by no means assured and countries can regress as was the case of Germany in the 1930s. Better governance is strongly associated with economic progress, but cause and effect are less clear.

Those within the elite who are engaged in wealth-creating activities—in the professions or running businesses—have a strong incentive to promote more accountable institutions that respect the rule of law and produce predictable outcomes that protect productive investments, but they face substantial opposition from the entrenched political elites who are benefiting from corruption. So do ordinary citizens who may come together to

⁶ Defined as the use (or, more accurately, the misuse) of *political* power in the management a country’s affairs

⁷ See Douglas C. North, John Joseph Wallis, and Barry R. Weingast: *Violence and Social Orders: A Conceptual Framework for Interpreting Human History*, Cambridge, 2010.

⁸ I am aware that this statement has a Western normative ring about it, but I suspect that a very large majority of the world’s population would share this view.

demand specific reforms. If this happens, the actions of those campaigning for reform, if sufficiently numerous and determined, when aggregated over time, may have a profound positive impact. If such pressures are resisted by the elite for too long, they face an ever greater risk that citizens will rise up in protest. As we saw so dramatically in 2011 in the Maghreb, the outcome may be regime change. But, recognizing that popular uprisings have dramatic and unpredictable consequences and are likely to lose momentum once regime-change has been achieved, some have preferred to engage in a more drawn out citizen campaign against governance abuses in place of street agitation. Their goal has been to generate steadily increasing pressure on public authorities to be more honest and accountable, as well as respect human rights.

Failed donor programs

In the early 1990s the official aid agencies came to recognize openly that poor governance was the overriding bottleneck to development⁹ and they increasingly sought to promote governance reform. Misguidedly, their strategies were mostly modeled on their own western democratic system and institutions. They pressed governments to upgrade their public financial management, audit and procurement systems and provided study tours to ‘train’ members of parliament. They depended on governments taking a lead in implementing reforms that were generally designed by foreign ‘experts’. These so-called *supply-side* approaches have largely failed, not because reforms were not needed, but rather due to obstruction from those in power. This was hardly surprising given the political context. Poachers are reluctant gamekeepers. They prefer to continue poaching, thereby enriching themselves, and are resistant to reforms that would make it harder for them to pilfer the state’s resources.

Despite numerous failed projects over many years, supply-side projects are still funded by foreign aid. Donors have been slow to rethink their strategies for assisting governance reform. But this is now happening. While rightly not abandoning their efforts to improve the functioning of state institutions, donors have come increasingly to recognize that the problem is not technical, but political. Those in power do not welcome governance reform and donors must look elsewhere for the ‘drivers of change’.¹⁰ Consequently, over the last decade a few started to fund citizen initiatives to fight corruption and make governments more accountable. This has given rise to what is called the *demand-side* approach to governance reform—empowering citizens to monitor, audit and report on the performance of public agencies, as a basis for an informed advocacy of governance reforms. The wisest approach has been not to try to prosecute corrupt officials, although that should happen, but rather to seek ways to reduce the opportunities for corruption. Because such constructive engagement with officials is not seen as immediately threatening, it generates far less opposition.

Support for such civic initiatives remains limited and many in the aid business remain doubtful. While there are lots of anecdotes of success, the evidence needs to be more systematically marshaled to convince the skeptics, especially as donors will need to learn a

⁹ Most notably the World Bank in its report *Sub-Saharan Africa: From Crisis to Sustainable Growth*, 1989

¹⁰ ‘Drivers of Change’ refers to key individuals within the power structure who are committed to promoting reforms aimed at making public agencies more transparent and accountable. The concept was first used in an Oxford Policy Management report prepared for the UK Department for International Development by Alex Duncan, Iffaf Sharif, Pierre Landell-Mills, David Hume, and Jayanta Roy entitled *Supporting the Drivers of Pro-Poor Change*, June 2002. DFID subsequently commissioned a series of Drivers of Change country reports which included in-depth political analysis.

new approach to providing aid that presents administrative and diplomatic challenges. This is where the Partnership for Transparency Fund (PTF) comes in.

A new initiative

PTF is a not-for-profit organization established in 2000 to assist civil society organizations (CSOs) in developing countries to fight corruption. CSOs are associations of citizens, funded mainly by donations and members' contributions and are neither government agencies nor private businesses. They can be small community groups through to large think tanks and a wide variety of non-governmental organizations. CSOs also include faith-based organizations, professional associations and independent policy research centers. Their key attribute is to be independent of the state.

PTF has been supported by the United Nations Development Programme, World Bank, Asian Development Bank, and several bilateral aid agencies and private foundations. The support of the major development agencies has been motivated by a realization that PTF can do things that they cannot. First, given their cumbersome bureaucratic procedures, official donors cannot afford to get into the business of retailing small grants. Second, they are constrained by considerations of diplomacy and the need to work in ways acceptable to host governments. In the case of the international financial institutions, their governing statutes have been interpreted as excluding them from overtly supporting local civil society advocacy. Both are concerned that host governments will accuse them of political meddling. No such accusations are likely to be raised against a low profile non-governmental organization like PTF. At no point so far have governments objected to PTF-supported projects even though they intrude into sensitive areas, often challenging elite privileges.

PTF has supported a wide spectrum of projects where CSOs have engaged successfully with public authorities in innovative initiatives to fight corruption. These go to the heart of the struggle to improve governance. They include using boy scouts to stop corruption in the production and delivery of school textbooks in the Philippines, mobilizing environmental groups to track the use of European Economic Community funds allocated to 'green' investments in Poland, introducing a new code of ethics for the judiciary in Mongolia, persuading the police in Karachi to computerize the issuing of drivers' licenses, exposing unethical behavior in the conduct of drug trials in India, engaging students to monitor corrupt practices in Cameroon's universities, and hundreds of other examples.

Increasing numbers of CSOs are working to curb corruption in their own countries, employing a wide range of tools, exploring the effectiveness of different approaches, tailoring their interventions to the situations they encounter, and sharing their learning as they gain experience. Their successes, illustrated by some remarkable projects described in this book, demonstrate that citizen activism can have a powerful impact on corruption and, through replication and scaling up, could progressively institutionalize the role of civil society in promoting greater public integrity. At the same time, it is clear that CSOs have many weaknesses. Funding their projects entails risks and, not surprisingly, some projects failed to deliver the results hoped for. This book examines the failures as well as the successes.

Perhaps most importantly, if they are to be successful, citizens generally must come to believe that they really can put an end to corruption. If they have the conviction and the courage to act collectively, they will gain the confidence to call corrupt officials to account.

This is not daydreaming. This book cites dozens of examples where just this has happened. And they are beginning to make a real difference.

Although not all the projects PTF supported have been successful, in a surprisingly large number of cases the impact has been significant. In a few cases, the results were dramatic. With a relatively modest ‘investment’ of a few thousand dollars, the amount ‘saved’ by stopping corrupt activities ran into millions of dollars. In Nigeria, a local CSO, Development Alternatives and Resources Centre, using a PTF grant of just under US\$40,000, established a program to train procurement staff and monitor their activities that yield an estimated US\$2.7 million of ‘savings’ in the first 9 months of operations.¹¹ And it is not just monetized gains that matter. In Liberia, Green Advocates working with local communities to halt illegal logging were protecting the livelihoods of many poor people living in the forest areas. Forest Action is doing the same in Nepal. In Moldova, a CSO called SOARTA campaigned successfully to introduce codes of conduct to limit corruption in schools. Most importantly, citizens have begun to recognize that they have the power to stop abuses that harm them and their country. If these successes can inspire a whole set of new actions, widely replicated, then we have the beginnings of a true transformation, making governments more honest in the conduct of public affairs.

The more CSOs become engaged in promoting governance reform, the more important it will be to exercise good corporate governance themselves. CSOs are no different from other human organizations; to be credible they need scrupulously to observe their own code of conduct. The knee-jerk reaction of elites under pressure from CSOs is to question their legitimacy, as we have seen vividly recently in the case of Russia. Other governments—Bangladesh, Ethiopia, and Venezuela, to name just a few—have started to push back against advocacy CSOs. They accuse them of being foreign agents intent on undermining the state. Or more subtly, but no less insidious, CSOs are criticized for promoting their funders’ agendas, which can be particularly troubling for bilateral and multilateral development agencies. CSOs need to learn ways to counter these attacks, including being fully transparent themselves, clear in their mission, accountable to their beneficiaries, and securing strong popular support.

This book in brief

This book describes the courageous and dedicated efforts of thousands of people across the world who have participated in a wide range of initiatives aimed at curbing corruption, and explains the tools and approaches they used and what they achieved. The first two chapters provide the context. Chapter 1 explains how the Partnership for Transparency Fund was started, what its mission is and how it operates. Chapter 2 discusses the ways that CSOs can tackle corruption—the approaches and tools used and the rationale behind the projects that PTF has supported. Then Chapters 3 to 6 describes how CSOs’ activities in four countries built up pressure on corrupt public agencies to reform. In Chapters 7 to 13 the book explores how CSOs have sought to strengthen the rule of law and public institutions; monitor public buying and selling; track public expenditure; audit public services (e.g. in health and education); and use the media to campaign against corruption. The cases describe the lessons learned drawing on the failures as well as the successes. They challenge the skeptics who doubt whether citizens can make much difference to think again. The two final chapters

¹¹ See Chapter 9 for details.

explore the potential, as well as the risks and limitations, of civic activism, and make some suggestions on the way forward.

Over the past ten years the world has been transformed by the information revolution. The advent of the internet combined with smartphones, netbooks, social networks, and complex information systems have opened up dramatic new ways to make governments transparent. This is especially relevant for ending corruption because transparency is the most powerful weapon available to citizens to force public agencies, and the political elites that run them, to be ever more accountable. These are game changing innovations that hugely strengthen the hand of civil society in its epic struggle to transform officials into public servants genuinely responsive to the needs of the people. This book explores how this dream may be brought about.

The book is not any easy read. That is because it has two deeply serious goals: first, by presenting the results of a large number of modest but sometimes path-breaking initiatives, to accumulate the evidence which confirms that step by step the many citizens campaigning to root out corruption *are* succeeding. By giving these endeavors a human face, I pay tribute to the courage and dedication of the individual activists who are striving to bring these changes about. My second goal is to persuade official donor agencies to radically re-think their governance reform strategies—to switch resources from government-led to citizen-led programs.



Key:

Large: Current & Active Projects; Small: Past & Completed Projects

Red: Infrastructure (Roads, Railways, Water, Power); Yellow: Legal; Green: Media/Information (Press, Social Media, Public Meetings); Blue: Governance (Elections, Budgeting, etc.); Light Blue: Social Services (Education, Health, Social Safety Net);

Purple: Natural Resources (Forestry, Agriculture, Oil, etc.); Orange: Procurement; White: Right to Information

Map Showing Countries with PTF Supported Projects 2000-2012

Part 1

The Setting

Chapter One

The Story of PTF

On a cold winter's day in late November 2000, I received a phone call from Miklos Marschall, a senior manager in the Secretariat of Transparency International¹ in Berlin. He wanted to know whether the newly established Partnership for Transparency Fund would be able to assist TI's Bulgarian national chapter in monitoring the auction of a mobile phone license due to take place the following month. I was told that the request for TI Bulgaria to monitor the auction came directly from the prime minister of Bulgaria. He had been severely criticized over alleged corruption in the auction of the country's first mobile phone license the previous year. As he was facing re-election, and since corruption had become a significant issue in Bulgaria's negotiation for entry to the European Union, the prime minister was anxious to demonstrate that his government was vigorously tackling corruption. Consequently, he had turned to his main critic in this matter, TI Bulgaria, and asked them to monitor the proposed auction of the second mobile phone license to ensure that this time the process was transparent and honest.

TI Bulgaria's plan was to designate a dozen citizens—lawyers, engineers, journalists and the like—respected for their professionalism, technical knowledge and integrity, to form a panel that would vet the auction and verify that it was clean and transparent from start to finish. They were to report publicly on the conduct of the auction and assess the integrity of the process. PTF was asked to provide two things. First, the funds to pay for the panel's expenses: the panelists were to be holed up in a hotel in Sofia for two weeks during the auction and while preparing their report afterwards. Second, to find an independent expert on such auctions who would sit with them to guide their work.

We agreed to help. It took only a few phone calls to identify a retired World Bank procurement specialist, Claude Hovnanian, who had expert knowledge of such auctions. He was willing to travel to Sofia immediately to provide the technical support that the panel needed. By mid-December 2000, the auction had been held with full transparency and shortly afterwards the panel's report was completed and published.² The auction was judged to have followed prescribed procedures correctly and to have been honest. The amount realized by the auction was US\$135 million, some US\$15-20 million more than had been expected based on the result of the first auction. No one can say for sure that the difference between the prices achieved at the two auctions was the result of the independent panel's monitoring, but few doubt that close monitoring made it very difficult for the bidders to influence the bid evaluations and that that was a major reason for the more favorable outcome. TI Bulgaria's total costs were US\$11,500, met by a grant from PTF. Hovnanian provided his services free, leaving PTF to meet only his travel expenses.

¹ Established in 1993 as an international not-for profit organisation, Transparency International is the world's leading anti-corruption campaigner. Headquartered in Berlin, it has national chapters in more than 100 countries. For more details see <http://www.transparency.org>

² *Bulgaria: Licensing GSM Licence Auction* at <http://ptfund.org/regional-reports/europe/eastern-europe-project-reports>.

The monitoring of the Bulgarian mobile phone auction was the first call on PTF's resources which at that point amounted to the grand sum of US\$25,000 donated as seed money by a private well-wisher. PTF had only come into being a few weeks earlier. Its mission was to support citizens directly fighting to stop specific instances of corruption. The Bulgarian project illustrates two key features of the way PTF has subsequently worked: providing small grants to CSOs for specific well-focused initiatives to stop corruption and backing these with relevant international expertise provided by volunteers. Over the following decade PTF received well over a thousand calls for help from citizens' groups across the globe—strong evidence that citizens worldwide are up in arms against corruption and willing to organize to challenge corrupt public officials, even when doing so often puts them at risk.

The idea of starting PTF emerged from discussions in the early months of 2000 among a small group³ that had had a long association with Transparency International. The TI Board was aware of a growing need among its national chapters for funding to support a range of practical anti-corruption initiatives but was firmly opposed to the TI Secretariat becoming a funding agency for the chapters for fear of developing an undesirable dependency on the Secretariat. The group also recognized that the TI chapters were not the only CSOs interested in fighting corruption. So we decided to set up a completely independent fund that would be open to supporting credible and well-conceived projects to tackle corruption submitted by any properly constituted CSO in a less developed country.⁴

The concept of an independent international non-governmental fund to support CSOs keen to campaign against corruption had its roots in the 1990s in the disillusionment among the staff of official development agencies at their feeble response to predatory regimes and their top managers failure to recognize the key role that CSOs could play in pressuring governments to become more accountable. Once PTF opened its doors for business there was never any shortage of volunteers from the former staff of institutions like the World Bank and Asian Development Bank who were highly motivated to make this new venture a success.

From the start the founders were determined to keep the organization tightly focused on assisting projects that were action oriented, time-bound, and directly addressed a well identified corruption problem. The aim was explicitly to stop corruption, not talk about it, so proposals for awareness raising and capacity building were not considered eligible for PTF support unless they were needed to implement a clearly articulated set of anti-corruption measures. The only exception was support for community radio running anti-corruption programs. At the same time, PTF's founders had a preference for supporting actions to reduce the opportunities for public officials to extort bribes, rather than seek to punish officials who had been exposed as corrupt. PTF believes that, while sanctions are needed, in the longer term more progress can be achieved by persuading governments to implement robust governance reforms and modify administrative practices to discourage corruption. Once the reforms are in place, citizen vigilance is essential to ensure that the new arrangements are being properly implemented.

Although PTF had a strong preference for CSOs to engage constructively with public agencies, it recognized that naming and shaming corrupt officials was needed, indeed in some

³ The group included: Peter Eigen, a founder and chair of Transparency International; Hansjoerg Elshorst, TI Secretariat's Managing Director; Frank Vogl, the founder and TI vice-chair; and Pierre Landell-Mills who had long been heavily involved in the World Bank's governance and anti-corruption work and with TI from its inception.

⁴ This was interpreted to cover Eastern European and Former Soviet Union countries with economies in transition from state controlled to market based.

circumstances essential, but PTF preferred its grantees to leave that to the media. Prosecution of corrupt officials is, of course, the clear responsibility of the state. The role of civil society is to watch that the state properly fulfills this task. With experience, PTF's initial reluctance to support CSOs engaged in 'outing' corrupt officials has become more nuanced, as we shall see later.

By providing small grants to CSOs, PTF has sought opportunities to capitalize on the skills of CSOs as innovators, agenda setters, mobilizers and monitors. PTF's aim was to help CSOs pilot ways to improve transparency, accountability and fighting corruption. Experience so far has strongly validated this strategy which, through replication and scaling up, can institutionalize citizens' participation in public anti-corruption programs. The approach is two-pronged: strengthening citizens' voices in exposing corruption and advocacy and calling for measures to strengthen governance; and building partnerships between government and CSOs to tackle corruption and implement reforms. By avoiding confrontation, civil society activists are better placed to engage actively with key officials and political leaders. If officials see a program as collectively threatening, they are likely to withdraw their cooperation and no lasting improvements will be achieved. There is a fine distinction between exposing the misdeeds of a particular public official and adopting a confrontational approach to a public agency as a whole.

Balancing actions to expose corruption with reform advocacy will always remain challenging. However, PTF has found that with goodwill outcomes can often be dramatic. At the same time, when reforms are opposed by recalcitrant officials, we should not be surprised that they easily stall. The key has been to find allies within the administration and work with them. Experience shows that corrupt governments are not monolithic. Almost always corruption benefits a few within the system and many more are left out. And some profoundly dislike corruption. Consequently—and this is crucially important but often underappreciated in discussions of anti-corruption work—supporters of reform can often be found within most public agencies in most countries.

A good example of the role of powerful government allies supporting a civil society initiative to stop corruption is found in the case of the award of a major engineering contract in Pakistan by the Karachi Water and Sewerage Board in 2001 mentioned in the Introduction. PTF had been asked by the Nedians, a group of retired senior public works engineers, for support in monitoring the Board's procurement procedures. The Board's engineers were known routinely to collect substantial bribes from contractors in return for favorable treatment in bid evaluation. The Nedians' plan was to require all concerned to pledge to make the bidding fully transparent and then to monitor every step in the bidding process—in other words, to implement what has come to be known as an 'integrity pact'. Not surprisingly, this was strongly opposed by the Board's chairman and his staff. But they were not counting on the tenacity of the Nedians who had a high-level ally in the governor of Sindh. It helped that the governor had been a classmate of several of the Nedians and also that he was under some pressure from the president's office in Islamabad to clamp down on corruption. When the Nedians told the governor that the chairman of the Karachi Water and Sewerage Board was reluctant to work with them on the proposed 'integrity pact', he was replaced by a more responsive official. The pact went ahead and the two contracts that emerged through genuine competitive bidding cost some US\$20million less than had been originally estimated.⁵

PTF's grant to the Nedians was just US\$25,000, but importantly was supported by technical assistance from Michael Wiehen, one of PTF's advisers and the world's foremost

⁵ The details of this project are given in Chapter 9.

expert on integrity pacts. This illustrates the essence of the PTF approach—how a project supported by a small grant and backed by world class advice can have a disproportionately large impact on curbing corruption when initiated by a committed CSO and managed by knowledgeable professionals capable of generating the support of a powerful champion within the government administration. PTF has successfully supported CSOs across the globe from Nicaragua to Mongolia, and from Cameroon to Latvia with grants of between US\$15,000 and US\$50,000. An independent evaluation commissioned by the United Nations Development Programme in 2005 concluded that PTF had pioneered a uniquely effective approach to assisting CSOs directly fighting corruption across the globe.⁶ This judgment was confirmed by a World Bank evaluation in 2008⁷ and reconfirmed by a UK DFID review in 2011.⁸

PTF has favored projects that involve interaction between the CSOs and public authorities and were focused on curbing specific corrupt activities. By building on the support of ‘champions’ within the government, as was done in the case of the Nedians, these CSOs can, without compromising their independence, come to be accepted as valid partners of public agencies in improving their governance. This leads to raising public awareness of practical measures that can be adopted to make the management of public resources more transparent and hence more honest. PTF seeks to encourage innovative approaches that pilot new and replicable anti-corruption ‘tools’, or apply in a new country well tested tools or approaches that have worked well elsewhere. These projects have included:

- Assisting civil society to strengthen the anti-corruption legal framework—introducing well formulated legislation making corruption a criminal offence (in Cambodia), regulating the financing of political parties (in Latvia), providing for access to information (in Sierra Leone), protecting whistle-blowers (in Nigeria), and proscribing arrangements that give rise to conflicts of interest (e.g. for parliamentarians and officials in Mongolia);
- Promoting the rule of law, for example, by introducing codes of ethics for judges (in Mongolia) and for police including training judges and police officers in the adoption of such codes, and by tracking the handling of corruption cases in the courts (in Uganda);
- Strengthening anti-corruption institutions (such as citizens charters in India, and the Public Office in Mongolia), and supporting official anti-corruption programs (in Cambodia, Ecuador, Sierra Leone, Moldova, Brazil, Czech Republic, etc.);
- Citizen monitoring of public buying and selling (e.g. privatization of public utilities in Columbia, and public procurement in Ecuador, Latvia and Slovakia), using integrity pacts in contracting for major public works (in Pakistan, Latvia and India), and strengthening the public procurement process (in Nigeria and the Philippines);
- Tracking public expenditure (in Argentina and Uganda) and local government budgets (in Poland, Sri Lanka, Kenya and Liberia);
- Tackling corruption in the delivery of public services and social safety nets (e.g. hospital services and the delivery of driving licenses in Pakistan, the National Rural Employment Guarantee Scheme and Public Distribution System in India, road

⁶ Alex Shakow, *An Evaluation of the Partnership for Transparency Fund*, March 2005.

⁷ Catherine Gwin and Sylvia Saborio, *Fighting Corruption and Promoting Transparency in the Public Sector: An Independent Evaluation of the Partnership for Transparency Fund*, May 2008.

⁸ John Clark, *Partnership for Transparency Fund: Mid-Term Review*, May 2011, <https://ptfund.box.com/shared/e7mkkjuj9f>

construction and youth services water management schemes in the Philippines, and education in Uganda);

- Stopping abuses in public administration (drug trials in India, and the misuse of government vehicles in the Philippines);
- Stemming corruption in natural resource management (e.g. tackling illegal logging in Liberia and Nepal, and protecting communities from toxic pollution from mining in Mongolia); and
- Supporting special anti-corruption media campaigns (e.g. community radio in Nepal and Uganda, a media campaign against extortionate pensions for ex-presidents and other top officials in Nicaragua, media competition for investigative reporting in Mongolia, and the training of investigative reporters in Togo).

In the later thematic chapters, we describe these projects in some detail and explore the effectiveness of the tools and approaches that were used. Not all the initiatives PTF has supported have been successful, but in almost all cases the causes being fought for were substantially advanced, sometimes dramatically so.

A key feature of PTF's operations has been expert advice backing its grants which not only helps ensure a more robust project design, but also contributes significantly to strengthening the capacity of the grantee. In many cases this support far outweighs the value of the grant. For example, in 2009 in Nepal, Forest Action proposed a project to tackle illegal logging in an area close to Kathmandu. As a result of a PTF site visit, it emerged that the location had been selected for convenience, but the problems were far less evident there than in the other areas. As a result of several iterations, a new much more credible project emerged in a different location with clearer objectives and a better defined plan of action. The first phase of the project has been successfully completed with the strengthening of Community Forest User Groups, which has served to curtail illegal logging that was harming the poorer villagers.

In Trinidad and Tobago provides another good example of the effective use of world class expertise. There in 2010 the national chapter of Transparency International asked PTF for help in providing expert testimony to a public commission of enquiry into the local construction sector which was plagued by corruption. PTF brought in Neil Stansbury, an international procurement specialist, to assist the chapter in appearing before the commission. His contributions considerably enhanced the quality and credibility of the chapter's testimony. The commission was made aware of international practice and the chapter's recommendations were accepted by the commission. The hearings were televised live, ensuring broad dissemination of the evidence presented to the commission by the chapter. In addition, TI organized workshops afterwards on the commission's report to ensure that best practice in construction contracting was more widely understood. Further illustrations of PTF's support for capacity building are given in the country chapters.

Over the years PTF has built up a large network of project advisers, mainly retirees of bilateral aid agencies and international organizations who are highly experienced in governance work and willing to act as unpaid volunteers. They have specialized skills in such areas as public accounting, audit, public procurement procedures, performance evaluation, public management, and the design and implementation of anti-corruption programs. They were chosen because of their strong reputation for integrity and professionalism. Many are nationals of developing countries or transition economies facing similar challenges. These volunteers evaluate, manage and monitor PTF's grants and activities. They donate not just

their time, but also their own office resources to support their work. When possible, advisers have visited PTF grantees, often as an extension of other business travel.

PTF's own governance arrangements reflect its international character. It is registered in New York State as a not-for-profit company.⁹ Its board of directors is drawn from countries across the world: from Germany, Holland, Kenya, India, Philippines, USA, UK and Uruguay.¹⁰ A special feature of PTF is that it is a 'virtual' (internet-based) organization with only one small office and with most records maintained digitally and accessible from anywhere in the world. Board meetings and the annual members¹¹ meetings take place by teleconference. In this way administrative costs have been kept to less than 10 percent of the total amount of grants made, making PTF an exceptionally cost effective funding agency, all the more remarkable if account is taken of the free technical support that is also provided. In recent years, increasing reliance has been placed on pairing up international advisers with local partners who have the local knowledge that the international advisers lack.

While initially PTF mostly dealt directly with its grantees, the number of countries where PTF was operating rose steadily. By 2007 PTF was supporting CSOs in over 40 countries and it became increasingly evident that there were significant advantages in focusing PTF's efforts in fewer countries, building larger country programs, and collaborating with local partner CSOs that could assist PTF with their local knowledge and contacts. Consequently, it began to pilot two new approaches—one a regional program and the other a country program. PTF's first regional program covered the Mercosur countries in the cone of South America. PTF established a partnership with Instituto de Comunicacion y Desarrollo (ICD), a regional CSO located in Uruguay. ICD, with support from the Inter-American Development Bank, set up a new fund called FONTRA,¹² which administered the grants, while PTF advised on the selection of projects, helped to strengthen them, and provided overall technical supervision. FONTRA was funded by the Multilateral Investment Fund, an arm of the Inter-American Development Bank, by PTF, and by a corporate donation. By the end of 2010 this program had supported 30 projects.¹³

PTF's main sources of support have been UK Aid (£2 million), World Bank (US\$2 million), UNDP/German trust funds (US\$373,000), Swedish International Development Cooperation Agency (Swedish Kr2 million), ADB (US\$150,000) and the Outlook Foundation (US\$400,000). In addition, PTF recently received a US\$1.9 million grant from the Japanese Social Development Fund to assist CSOs in Bangladesh and Nepal to undertake social audits of selected World Bank funded projects. Also, Australian Aid is supporting PTF's program in the Philippines.

The first country program was established by PTF in the Philippines in partnership with the Makati Business Club. This arrangement is described in Chapter 6. It is in many ways the preferred arrangement since it draws on local knowledge and, in this case, has valuable links to the private sector. It is a good example of the private and voluntary sectors

⁹ PTF's Certificate of Incorporation and current by-laws can be found on its website www.PTFund.org

¹⁰ For full details of the board see www.PTFund.org

¹¹ Consistent with law governing not-for-profit corporations in the USA, members are appointed by the board and play a role similar to that of shareholders of a for-profit corporation. They elect the directors at the annual members' meeting and may pass general resolutions on policy.

¹² Fondo Regional Para la Promoción de la Transparencia.

¹³ See Annex 2. Of the 30 FONTRA grants, 17 went to Argentina, 4 to Bolivia and 3 each to Chile, Paraguay and Uruguay.

collaborating with shared values and concerns. In 2008, PTF entered into a partnership agreement with the Public Affairs Centre in Bangalore, led by Professor Sam Paul, a veteran in the field of public management. This has worked especially well because the Centre has considerable experience and expertise on social audit work, having pioneered the use of citizens' report cards.

PTF is now a vigorous teenager. It has supported over 130 CSOs in some 51 countries (see map in the color section) with a total project funding commitment of nearly US\$5 million in support of over 200 projects. These projects have all been home-grown and demand driven. They emerged from the needs of the citizens and were proposed by them. At no point were they the outcome of an external agenda or dreamt up by outsiders. There was no preconception about the form a project should take. Rather, PTF encouraged CSOs to come up with their own ideas and then supported those that were the more credible and innovative.

This book is largely based on the evidence collected in the management of PTF's projects. Each project is the subject of a project completion report and for some there are independent project completion assessments. I have not referenced these in the text as there are far too many, but they can all be found on PTF's website¹⁴.

Through the inputs of its advisers, PTF aims to add value at every link in the project chain—from helping to clarify objectives to ensuring the results have lasting impact. Over time, PTF has accumulated an increasingly large and diverse knowledge base which it can share with new grant applicants. Best of all, CSOs have shown tremendous enthusiasm for disseminating their experiences through country and regional workshops where they encourage each other to consider new approaches. The staff of these CSOs are brave and committed people who often take considerable risks for little or no financial reward.

Fighting corruption is a permanent struggle, with many victories and defeats along the way—as if the world was forever caught in Dante's *Purgatory*, unable to throw off the cardinal sins of greed and gluttony and ascend to *Paradise* and where some countries periodically fall back into the *Hell* of tyrannical and predatory government.

In 2000 PTF was almost alone in its conviction that governance reform must be driven by a country's own citizens' activism, organized professionally, collecting evidence systematically, dealing with specific issues of abuse or incompetence, and campaigning skillfully to bring about change. Today, PTF is just one of many organizations working with civil society organizations advocating governance reform, though it remains almost the only one that is working with CSOs exclusively on rooting out corruption. Yet its story needs telling because many policy makers remain to be convinced that CSOs have a key role to play in reforming governance.

¹⁴ PTFund.org

Chapter Two

Empowering Citizens

There is a rich literature exposing the evils of corruption¹ so I will not repeat the story here, nor debunk the often quoted *canard* that corruption helps to oil the wheels of incompetent government bureaucracies. The latter is dangerous nonsense and leads to the perpetuation of crimes that impinge most on the poor and the vulnerable. The question addressed in this book is what citizens can do practically to root out corruption.

From awareness to action

The first task for any campaign against specific acts of corruption is to raise the awareness of the harm they do, the costs imposed on the victims, and the obligations of those involved, with the aim of motivating them to do something about it. The victims very often need to be shown what they can do about it—what their rights are and how they may be exercised.

For example, most educated Bangladeshis know that there is a lot of corruption in the port of Chittagong which handles 80 percent of their country's imports and exports, but it was only when a report was published by the Bangladesh chapter of Transparency International in 2007 that the full extent of the corruption was unveiled.² This excellent study, prepared by Tanvir Mahmud and Juliette Rossette, documented in excruciating detail the many types of corruption prevalent in the port. The study revealed that “bribes have to be paid in at least 30 spots for releasing a consignment from the customs and the port.” Also, illegal tolls were charged on entry to the port. They found that 400 ‘ghost’ dock workers were on the payroll, adding substantially to the port's operating costs. A fifth of the dock area was shown to be occupied illegally. The study found that bribes paid by ship owners for anchorage and to pilots to bring large ships into port could easily exceed US\$2,000 each time. The cost of this and other forms of corruption amounted to several hundred million dollars a year and the consequential delays in the turnaround of cargo vessels caused even larger losses, part borne by consumers, many of them living in great poverty and part borne by exporters whose costs are inevitably passed on to their workers, especially the very low paid garment workers. While no exact figure can be put on the total economic burden of this corruption, an annual sum in excess of a US\$1 billion would be no exaggeration. TIB's campaign for reforms led to a series of corrective measures during the Caretaker Government in 2007, but many of these were abandoned by the newly elected government that followed. Perhaps this was not surprising since corrupt income from the port trickles up to the politicians. The paradox here is why the powerful businessmen who are exposed to these costs are not more motivated to demand that the corruption be eradicated. This is a question we shall come back to later.

The case of Chittagong port falls into the category of grand larceny sometimes referred to as ‘state capture’. At the other end of the spectrum we can cite the case of destitute

¹ Most recently Frank Vogl, *Waging War on Corruption*, Rowman and Littlefield, 2012, and Laurence Cockcroft, *Global Corruption*, I.B. Taurus, 2012.

² Tanvir Mahmud and Juliet Rossette, *Problems and Potentials of Chittagong Port: A Follow-up Diagnostic Study*, Transparency International Bangladesh, May 2007.

villagers in India who are cheated of their rights under the National Rural Employment Guarantee Act. Very often they have no knowledge of their entitlements to food and work nor, for example, how to use the Right to Information Act to find out what funds have been allocated to their village for social protection. Helping them to be more aware is the first step in empowering them to demand their rights.

Investigations that attempt to quantify the billions of dollars that are extracted each year by corrupt officials and squirreled away in foreign bank accounts, or paid into political party coffers, or invested in palatial houses overseas help build public outrage. For example, the French chapter of Transparency International, citing French police investigations, laid charges in early 2012 against Equatorial Guinea's President, Teodoro Obiang Nguema Mbasogo, Congo-Brazzaville's President Denis Sassou Nguesso, and Omar Bongo, the late president of Gabon who died in 2011. They alleged that Obiang owned more than four million dollars-worth of vehicles, that Bongo and his relatives had 39 homes and that Sassou Nguesso and his relatives held 112 overseas bank accounts. France's top appeals court ruled that magistrates could investigate the sources of money spent in France.³ Soon after, on the orders of investigating judges, the court sent the bailiffs to a 100 room mansion on Avenue Foch owned by Obiang's son, Teodorin, described by investigators as "an Ali Baba's cave". They carried off crates of antique furniture, fine wine and jewelry, and confiscated 16 luxury cars including Ferraris and Maseratis. In July French investigators issued an international arrest warrant for Teodorin as part of an embezzlement probe.

It is not just France that is on the warpath against corrupt foreign potentates. The US Justice Department has filed a civil asset forfeiture complaint seeking to take possession of tens of millions of dollars in assets owned by President Obiang regarded as the proceeds of corruption.⁴ These initiatives have clearly touched more than one raw nerve. Gabon's ruling party lashed out at the French court's ruling, calling it "ridiculous" and accusing the court of nostalgia for French colonial rule and a lack of understanding of international law. And Equatorial Guinea referred the matter to the International Court of Justice in an effort to compel France to stop all prosecutions against its top officials. Undaunted, in November 2012 a Paris appeals court approved the seizure of Obiang's luxury cars.

The prosecution of these kleptocratic foreign officials in France was the result of a law-suit brought by two French CSOs—a human rights group called Sherpa led by Maud Perdriel-Vaissière and TI France led by Jacques Terray. The work the pro-bono lawyers do is what official law enforcement agencies should be doing. "We would prefer that the public prosecutors do their job properly. But they don't," says Perdriel-Vaissière.⁵

Such CSO initiatives in foreign courts are useful to get action started, but not enough to stop what is happening. Citizens in the home countries need to believe they can do something concrete to curb the predatory activities of their corrupt officials. However, cases of grand larceny such as those cited above seem too far removed from the day-to-day concerns of most citizens. So other ways must be found to bring the message home. One is to link the theft of public funds to the taxes citizens pay. There are two barriers to getting this message across. One is the fact that many citizens pay no direct tax at all so it is not very meaningful to talk of 'their' taxes being stolen, and they have difficulty relating to indirect taxes that are hidden in the prices of the goods they buy. A similar problem arises when

³ <http://portaltoafrica.com/news/africa/general/french-corruption-probe-welcomed-by-equatorial-guineas-opposition>

⁴ Jeremy Pelofsky, Reuters, December 3, 2011.

⁵ This is now known in France as the case of 'biens mal acquis' ('ill gotten gains'); CNBC, 23 February 2012.

powerful members of the elite are granted monopolies or restricted trading rights. Citizens are also largely unaware of public income ('their' income) derived from the extraction of natural resources but never properly accounted for. Consequently, the independent media—a vital part of civil society—have a critical role to play in exposing the scams and explaining to ordinary citizens in concrete, comprehensible terms how they are affected—how many schools, hospitals and roads might have been built with the money that has been stolen.

Citizens of most poor and middle-income countries do of course have an acute awareness of corruption as it affects their daily lives. This is the petty corruption of paying 'speed money' to field-level officials and service providers to do what they are supposed to do for free—small bribes to see a doctor, to persuade a teacher to admit one's child to school, to get a water bailiff to open a sluice gate, to police to record a crime, to a local government clerk to issue a permit, and so on. As one Cameroonian wrote in a note seeking support for a project to fight corruption in Bokwango high school, "Everything, it seems, can be bought for a price—nowadays there are sexually transmitted grades; male teachers would improve grades if girl students slept with them. Or, a simple one-time payment could also do the trick. Principals make booklists based on the publisher who offers the highest bribe. The management committee and parent teachers association have become rubber stamping machines interested more in kickbacks than in the monitoring and supervision of budget expenditures and executed or not executed school projects. This misconduct is spinning out of control." The list is endless and the cost borne by the ordinary citizen can amount to a significant part of their meager incomes, maybe as much as 20 percent in the case of those on the breadline.

Exposing officials as corrupt is a first step, but is not enough. The second challenge is to build awareness of citizens' rights to hold these people and their bosses to account or, if the rights seem not to exist, to reclaim such rights as happened in a dramatic way during 2011 in the Arab countries and in India through the massive non-violent public demonstrations led by the veteran anti-corruption campaigner, Anna Hazare. Citizens believing they have a right to demand that their governments are made accountable to those they supposedly serve and acting on that belief goes halfway to bringing about change. The other half is systematic, persistent and determined campaigning to stop corruption wherever it occurs and thereby build a culture of zero tolerance.

This brings us to the third challenge—the nuts and bolts of designing citizen-led anti-corruption campaigns that have some chance of success, which is the central topic of this book. This discussion needs to be placed in the context of the official institutional framework for public accountability. Most governments have on their books a formal set of arrangements for inspection and verification to check that services are properly delivered and funds are spent as authorized and correctly accounted for and audited. In most poor and middle-income countries these arrangements are ineffective, often deliberately so. If corruption is rife and many officials benefit up and down the 'food chain', there are strong incentives for them to disable the accountability mechanisms. In these situations, citizens opposed to corruption must seek a more direct route to achieving accountability by themselves organizing the systematic monitoring of service delivery, exposing corruption, and demanding that it stop. This activity has come to be called 'social auditing'. As we shall see later, it can be very effective.

As the examples given in the chapters that follow amply illustrate, when corruption is forcefully and publicly brought to the attention of responsible officials by those directly affected, the officials will often be goaded into taking some steps to put matters right—

usually as little as they can get away with and easily set aside when the furor dies down. And public agency managers, when confronted with robust evidence of petty corruption committed by their staff, will often, though not always, feel obliged to take some action to correct what is wrong, at least with regard to the particular cases brought to their attention. We have seen this again and again in PTF's program in India when the cheating in the administration of the National Rural Employment Guarantee Scheme and the Public Distribution System⁶ was exposed. When officials were asked why eligible poor families had been corruptly excluded, they have mostly rather quickly issued the missing work or ration cards. Yet meaningful sanctions are only rarely taken against those who stole the cards. Villagers may be unwilling to press for corrupt officials to be sanctioned, aware that they must continue to deal with the officials concerned and fearful that they might find ways to exact revenge. However, what matters most to those affected is that the corruption stops, at least for a while. Perhaps more significantly, the experience has taught the villagers that the corruption of local officials can be challenged. Next time, they will be more confident in complaining and know how to do so.

What has been achieved in India may not be possible in Nicaragua, Cameroon or Moldova and other countries where the rule of law is weaker or absent. Yet in such countries much can still be achieved, partly because there are often officials willing to be helpful even at some risk to themselves. In countries where there is a degree of press freedom and where the courts are not totally corrupt, then decent public officials have some scope to be helpful and often are.

Achieving a sustainable impact

Citizen groups that have successfully halted corruption in specific cases, and want to continue to stop it, have two possible ways forward. Both need to be followed. One is to make the citizens' monitoring permanent even though that is costly in both time and community resources. Fortunately, monitoring can be streamlined and institutionalized which makes it more affordable. However, at least in the early stages, citizen groups need continued outside support to train them in monitoring techniques and to provide protection from retaliation from disgruntled officials, and possibly from local businessmen who have lost the benefits derived from the scams. This outside support must be funded, which limits the scope for replication across the country.

The second route is for citizen groups to tackle the weaknesses in the official accountability arrangements by campaigning for reforms to both strengthen oversight and redesign the service delivery system to close down the opportunities for corruption—in other words, to make being corrupt less likely or far more risky. This second route is the one that has hardly been followed so far, but should be made a central aim of anti-corruption programs. This would require funding, but is far less costly than supporting citizen monitoring in every settlement across the country. Aid agencies have repeatedly pressured governments directly to implement governance reforms with little success, while failing to recognize that local CSOs could be key in getting results. They would need resources,

Much experience has been gained with a wide range of tools and techniques for addressing government corruption. These vary considerably depending on the type of corruption and the circumstances—whether it is corruption in the delivery of public services, in public procurement and financial management, or in the malfunctioning of the institutions

⁶ See Chapter 3.

for accountability such as the judiciary and the police. Anti-corruption projects that target specific cases of corruption and aim to have an enduring impact should follow five critical steps:

- identification and diagnosis of the problem including consultation with stakeholders;
- elaboration of a set of actions to address the problem;
- formulation of recommendations to change the administrative system so as to reduce the opportunities for the problem to recur;
- further consultations with stakeholders and revision of the recommendations if needed; and
- advocacy to promote the reforms.

If successful, there would be a final stage—that of monitoring the effective implementation of the reforms. For example, in Latvia, with PTF support, a civil society organization called Delna undertook a study of the funding of political parties in 2002, which was used as a basis for advocating new legislation to correct the ongoing abuses⁷. As a result, Delna was invited to participate in the parliamentary committee considering draft legislation on this matter and was able to improve the draft law and then lobby for its enactment. The law has since been passed, and there remains a continuing need for Delna to monitor the application of the law to ensure it is fully respected. The legislation was considered important by the European Union as Latvia prepared itself for EU membership. This was the real beginning of a significant development, for it legitimized for the first time the involvement of civil society representatives in the legislative process. Delna gained valuable experience and knowledge about the workings of government, established a record of responsible participation with colleagues from inside and outside government, demonstrated its expertise and capacity to contribute substantively to the evolving debate, and built up important contacts both inside and outside government.

In the *first phase* of an intervention—scoping the problem—CSOs typically conduct surveys or focus group discussions, possibly both. These provide insights into the nature of the corruption that is occurring and establish baseline data which can be used later to measure impact. In some situations it may be useful to have recourse to a Right to Information or Freedom of Information Act, if there is one. It is also important to identify and understand the roles and motivations of the different stakeholders, an exercise that may usefully include analysis of the political context and assess risks. For example, in Nepal, Forest Action, wishing to protect community forests from illegal loggers, undertook a baseline survey to learn what was happening in their target area. They found that forest officials, timber smugglers, local elites and the local Community Forest User Group’s Executive Committee members were all involved in a well-organized illegal timber trade network. The local elites used smugglers to poach timber. At the same time, forest officials had encouraged some local operators to engage in illegal logging from which they were able to extract sizable benefits. The information Forest Action collected in this initial survey proved to be indispensable in devising measures to stop the illegal logging. The outcome of this phase would be a well-defined strategy and accompanying action plan and a budget for the proposed intervention.

In the *second phase*—the implementation of the action plan—a variety of tools may be deployed⁸. If the proposal calls for local groups to monitor a government program, then it will be important both to raise citizens’ awareness of their rights and to train them how to undertake monitoring. Often *manuals* are prepared to assist training and can be drawn on

⁷ See Chapter 8.

⁸ These have become the standard tools used in social accountability work discussed in Chapter 13.

later, and *monitoring teams* or *vigilance groups* are established that need to be motivated and possibly protected. In some cases, monitoring alone may deter corruption, but often the results need to be set out in a *community report card*. If the goal is to trace what happens to public funds allocated to a program, then those concerned need to have a rudimentary knowledge of how local public funds are managed. The tool here would be some form of *public expenditure tracking*. The results will be shared with officials and the general public at *public hearings*. The very act of exposing in public what has been going on may be sufficient to convince the more senior officials present to put matters right immediately for fear of more serious repercussions. I illustrate all these tools and methods in subsequent chapters. More often, further public pressure is required and, in any event, it is unlikely that the underlying causes will be addressed by these actions alone.

In the case of Forest Action, the specific activities included:

- Launching radio programs to create awareness of corruption in community forestry and explain what might be done to curb it.
- Forming a sub-district level network of Community Forest User Groups and watch-dog committees to monitor and minimize forest corruption within the area, and providing them with guidelines.
- Undertaking public hearings to confront those engaged illegal logging and promote accountability and transparency.
- Establishing an information hub to promote knowledge sharing and develop policy briefs for wider dissemination.

In the *third phase*, the CSO managing the project would propose ideas on ways to reform or strengthen the administrative procedures to reduce the opportunities for corruption, drawing on the information derived from both the original scoping exercise and from the results of subsequent monitoring. In the *fourth phase*, these ideas would be discussed with the main stakeholders to check whether they were appropriate and made sense, with



the aim of arriving at a consensus on the corrective measures needed. This provides a good opportunity to fine tune the recommendations using the feedback from stakeholders. Again, in the example quoted above, Forest Action worked successfully with the *Forest Action stakeholder discussions* Community Forest User Groups to institute new local rules for the management of their community forest which protect the interests of the poor and marginalized households. These households were given a greater voice in decision-making. The new multi-stakeholder watchdog committees are shining a light on what is going on and thereby helping to curb illegal logging and the bribing of the Forest Authority staff.

In the *fifth phase*, the CSO would campaign to persuade the officials and politicians concerned to have the reforms adopted and implemented. Often this can be achieved locally by administrative fiat, though occasionally it may require legislation. To continue with our example from Nepal, Forest Action worked with the Forest Authority and local political leaders to persuade them to be supportive of the Community Forest User Groups. And, with the help of Forest Action, the user groups have become more effective: improving the way meetings are conducted, establishing better record keeping, and promoting villagers' participation. Also, public audits and public hearings were initiated. These activities served to give all community members a greater stake in and ownership of the community's forest

resources, including the poor, women and marginalized groups, and have given them the means and the confidence to continue to resist those stealing the communities' forest resources.

In the *final phase*, the CSO would monitor the implementation of the official measures taken to reduce the opportunities for corruption to occur. Thus, in the case of the pervasive corruption in India's National Rural Employment Guarantee Scheme, the goal would be to get the Indian authorities to address the weaknesses in the government's oversight of these schemes, to make sure the inspectors, accountants, auditors and responsible senior district officials conscientiously carry out their oversight duties.⁹ If successful, this would shift the burden of oversight of service delivery from civil society back to the public authorities where it belongs in the first place. Moreover, those in charge have the power to sanction staff found to be corrupt. The role of CSO would then be to monitor the effectiveness of official oversight and to make robust representations to senior managers when this oversight fails.

The above describes a stylized program. In practice, each case calls for a tailored approach and no two situations are identical. Much depends on the relative strengths and determination of the actors involved. Large CSOs that are well resourced and strongly led may achieve what others cannot, but it also depends on the determination, clout and cohesiveness of the officials whose misbehavior is being targeted. Ultimately, there must be a negotiated outcome which depends partly on the skills of the protagonists and partly on the political context, as we saw in the case of the Karachi Water and Sewerage Board described in Chapter 1. To be realistic, however, no group of corrupt officials willingly gives up benefits unless forced to. So, in each situation, there must be sufficient pressure generated to force officials to back off. This may happen either as a result of pressure from above, where the self-interest of the senior officials or politicians differs from those of lower level staff, as was the case in Karachi, or from below, as happened at the public hearings organized by Forest Action in Nepal. More often it will be a combination of the two—for example a media campaign exposing corruption which outrages ordinary citizens and also embarrasses the politicians or senior officials, as in the case of the auction of the Bulgarian mobile phone license described earlier.

Despite this optimism, we need to be concerned about what a corrupt official may do once an illicit source of income has been closed off. A government official who has become used to such income, and has acquired spending habits that depend on it, will not willingly give the income up. He or she is likely to be desperate to find an alternative way—usually corrupt—to make up for the loss. CSOs need to be aware of this and watch out for it.

Conditions for success

The more repressive the state, the more difficult it is for citizens to get a hearing, which is the present situation in Russia where any attempt to expose corruption risks a ruthless, even violent, response. The two projects that PTF supported in Russia both largely failed. In one case, the grantee had no wish to challenge corrupt local officials; instead he used the grant to purchase a vehicle for his personal use—a gamekeeper turned poacher. In the second project, involving monitoring a local government budget, the local officials felt no compunction to respond and the actions of the CSO had no discernible impact.¹⁰ In PTF's experience, the

⁹ In the jargon of social accountability practitioners, this is often called a 'social audit'; see Chapter 13.

¹⁰ See Chapter 10.

situation of civil society in Russia is exceptionally weak. In contrast, we have found that in many poor and middle-income countries, which were not part of the Soviet totalitarian system, civil society enjoys the space to campaign against corruption, and the state, though generally authoritarian, is rarely monolithic. Champions of reform can usually be found within, as we saw in the case of the Karachi Water and Sewerage Board.

Projects initiated and implemented by local CSOs fall into a quite different category from reform projects promoted by donors precisely because the former operate within the local political system and their cultural antennae are tuned to the local context. The local CSOs are clearly in the driver's seat. The key individuals involved operate through long-standing local networks. Consequently, they can achieve what outsiders cannot despite the latter's considerable financial leverage.

We saw how powerful these local networks can be in the case of the Nedians in Pakistan. As we shall see later, this was also true when *Ética*, a Nicaraguan CSO, successfully mounted a media campaign against the excessive pensions of former top officials¹¹; when a study of conflict of interest in the Great Khural, Mongolia's parliament, undertaken by Women for Social Progress led to the resignation of the Speaker¹²; when the Centre for Economic and Social Development in Azerbaijan lobbied successfully for the State Oil Fund to recover US\$50 million of unaccounted funds allocated to a project to house refugees¹³; and when Ecolink exposed the misuse of public vehicles by the staff of Oroquieta municipality in Mindanao in the southern Philippines¹⁴. PTF has ample evidence across the world that David can take on Goliath *and* win.

The major donors operate in a highly constrained political context. For example, the Asian Development Bank had sought to publicize its involvement in the Oroquieta project—PTF's support had been funded by the Bank—with the result that the mayor complained to the Philippine Minister of Finance that the Bank was meddling in local politics and the minister in turn forwarded the complaint to the president of the Bank, to the consternation of the staff. It would have been more prudent for the Bank to have maintained a low profile and left PTF to be seen as the source of funds. There would have been little point for the mayor to have put pressure on PTF. That would simply have drawn more attention to his corrupt activities.

Undoubtedly, the staff of CSOs face risks in taking on the great and the powerful. These may at times be considerable, with threats to life and limb. It is common practice for a large part of the loot collected to be passed up the hierarchy, so even if the CSO targets lower-level officials as the immediate beneficiaries of corruption, it may well incur the wrath of more senior officials. There are two possible strategies to counter these risks: seek protection from a well-placed supporter within the government; or use public hearings or the media to make the corruption widely known and thereby make it more difficult for CSOs to be muzzled. Preferably both strategies should be followed. More importantly, as argued earlier, it is best not to witch-hunt, but rather to focus on promoting administrative reforms that make corruption less likely in the future. Depending on a champion within government is itself risky, simply because he may easily disappear for a number of obvious reasons: if a bureaucrat, he may be transferred or he may lose favor if he is a politician. However, many consider these are risks worth taking. Some win out, while others do not.

¹¹ See Chapter 13.

¹² See Chapter 4.

¹³ See Chapter 10.

¹⁴ See Chapter 6.

Where political or bureaucratic resistance is particularly firm, the ‘push’ of social mobilization and the ‘pull’ represented by the support of reform champions may fail to deliver results or small gains may be quickly rolled back. In these situations, it may be wiser for civil society to seek other easier entry points, build stronger coalitions and come back later to the points of strong resistance when the problems have been given wider exposure. Any anti-corruption program will need time to gain momentum and difficulties that appear initially insuperable may later yield to pressure as public tolerance of corruption diminishes. It is self-evident that the ‘push’ of the ‘voice’ of civil society is far more strongly motivated than the ‘pull’ of reform champions who risk upsetting their colleagues or seniors and receive no material benefit for their pains.

In countries with weak governance,¹⁵ the incentives for officials to be honest and efficient are also weak, or even non-existent. In the larger context of elites competing for power, the wider support of civil society can be useful and political leaders may therefore choose to speak out against corruption. The converse is also true, if those in power ignore citizen unrest caused by their predatory behavior, they may find their position in danger. In such cases, they may be persuaded to make strategic concessions in exchange for popular support. In practice, while major concessions are unlikely, they may be persuaded to make a series of minor concessions over time rather than see the demand for reform build up to the point where it threatens the regime, as happened in Tunisia in 2011.¹⁶ In this way there may be slow yet progressive change as occurred widely in Western Europe in the 19th century, though not without the occasional violent upheaval to warn rulers not to be too intransigent.

In this discussion I have stressed the need for CSOs to seek to gain the trust and confidence of the public agencies that they are dealing with and gaining the support of a champion is one part of this. The other part is to work at all the relevant levels to get the public officials as far as possible ‘on-side’, rather than depend on the senior official ‘knocking heads’. This effort to get buy-in across the bureaucracy—brokering strategic partnerships—requires special skills which are hard to acquire. The more successful CSOs are very good at it, as PTF learned in working with the Centre for Economic and Social Development in Azerbaijan¹⁷ and with G-Watch in the Philippines.¹⁸

Some CSOs have a strong sense of mission to fight corruption or, more broadly, human rights abuses which easily translates into confrontation. Though confrontation may be a successful strategy in some situations, more often it leads to a standoff that may get rough. In PTF’s experience, it is far more productive to seek to engage public agencies in a dialogue which is less threatening and may open up the space for constructive negotiation on what should happen in the future rather than accusations about actions taken in the past.

¹⁵ Or using Douglas North’s terminology: “limited access states”.

¹⁶ As Naomi Hossain has cogently pointed out that sometimes “otherwise unorganized and relatively powerless people (political society) can find the power within themselves to draw attention to and legitimate their claims by collectively breaking the rules of politics that generally favor the powerful. Many such acts are ignored or repressed. But acts of defiance can momentarily fracture the surface of power relations, creating possibilities of change that were otherwise absent. Many such acts also elicit responses: some course correction for a policy deemed to have gone off the rails; a temporary or partial victory in line with the unruly demands; or transformed rules of engagement with path-changing effects”. Naomi Hossain, *Rude Accountability: Informal Pressures on Frontline Bureaucrats in Bangladesh* in *Development and Change* 41.5, Institute of Development Studies, September 2010.

¹⁷ See Chapter 10.

¹⁸ See Chapter 6.

Finding credible CSOs

So far, we have not discussed the qualities of the CSOs engaged in fighting corruption. It is clear that a number of questions as to their motives and integrity that the regime may raise and, if not satisfactorily addressed, may undermine their credibility. While there may be some long established organizations with deep roots within the society, the vast majority of activist CSOs are of recent origin and ‘modern’ in character. Some may be politically aligned and lack credibility for that reason alone. Others may be run by people who view the organization as a business—as a way of earning a good income by tapping into the funds of foreign donors. And some may be openly aligned with various interests; for example, professional associations fall clearly into this category as do trade unions. With the exception of the unscrupulous opportunists fleecing donors, none of this should in itself rule them out. Civil society campaigning for better governance is overtly political, which is quintessentially a process for arbitrating competing interests. The most contentious group of all is the ‘independent’ media. In practice, media organizations are rarely ‘independent’; they always have owners and the owners generally have political positions. Last but certainly not least are faith-based groups. These form a distinct category, not overtly political, but with a strong moral message that resonates with campaigns for greater probity in public life. Their solid institutional base makes them potentially important players in the crusade against corruption, even if historically they often fell short of their ideals¹⁹.

Although CSOs rightly campaign for governments to be more transparent and accountable, they often do not follow the same precepts themselves. Indeed, there is a common thread here that pitches tradition against modernity. The charismatic leaders of CSOs easily fall into the trap of adopting the same culturally determined hierarchical and paternalistic practices as government, with the same tendencies towards personalized relationships and patronage politics that they criticize in public agencies. And for the same reasons CSOs may be partisan or even ‘captured’ by an elite faction.

A more complex issue relates to the troubling question of who represents whom. Most developing countries still have traditional hierarchical social structures which tend to be reflected in the functioning of their CSOs. While this is not a problem in dealing with corruption at the national or state level, with members of the elite talking to each other, there is inevitably a socio-economic and cultural gulf between the staff of most CSOs and poor people at the grassroots.²⁰ The challenge for these CSOs is to find tools—such as focus groups and public hearings—which may help narrow this gulf and guard against agendas being imposed from above, just as CSOs have to take care that the funders do not impose the funders’ agendas on them.

Despite these reservations, PTF’s experience has been that there are many anti-corruption CSOs that are run by highly dedicated and motivated people that are not obviously politically aligned or self-seeking. Some are eventually drawn into politics, in which case they leave the CSO. More worrying is the fragile nature of so many CSOs, so often heavily dependent on a single charismatic individual. The turnover is rapid and the resulting lack of continuity in their activities a weakness that we have to live with. The high rate of staff “churn” is a fact of CSO life.

¹⁹ African Monitor, for example, is an interesting recent ecumenical initiative to promote better governance; see <http://www.africanmonitor.org>

²⁰ John Clark, *Democratizing Development: The Role of Voluntary Agencies*, (London, Earthscan, 1991). This problem hardly arises in community based organizations.

A wide range of skills are needed for CSOs to be successful. These are not equally available. CSOs that have strong competency in research and analysis are often not well equipped to undertake social mobilization or advocacy. Staff who are good at working at the grassroots level are often very poor at putting together, writing up and presenting their case to officials or disseminating their achievements to a wider audience. The challenge here is to put together teams with complementary skills. Those working in the media often seem to lack training with the result that their reports are frequently inaccurate and misleading and, worse still, biased which can undermine the fragile relations between the CSOs and the officials. They need better training, something the official donors are well placed to fund.

Despite the considerable evidence amassed to the contrary over the past decade, skeptics still abound as to whether CSOs are up to taking a lead role in fighting corruption, even though it is unclear who else will carry the baton—certainly not foreigners or donors. In 2008, CIVICUS, a global alliance of civil society organizations, initiated a project to assess the strength of civil society worldwide, collecting the views of 30,000 members of the public, 4,000 CSOs and over 100 experts on civil society.²¹ This study found that civil society space is generally volatile and changing, that states' relations with civil society are limited and often unsatisfactory, and financing is a serious constraint, while networking made possible by the latest digital technologies is a strength. Furthermore, the survey showed that too often there was a gap between the CSOs' articulation of values and their internal practices. None of this is a surprise and reminds us that, however dependent we are on civil society to push for governance reform, in most developing countries CSOs remain fragile and need nurturing by the international development community. Faith-based groups are notable exceptions with a huge unrealized potential to put their considerable organizations and resources behind a moral crusade against corruption. For the rest, building CSO capacity has been an integral component of PTF's work and should certainly become much more central to the country assistance strategies of the major donors. PTF, given its very limited resources, has avoided self-standing capacity building, preferring to support 'action learning' through the implementation of well-designed anti-corruption projects.

Achieving measurable results

What is critical in the end is whether the anti-corruption activities undertaken by CSOs result in tangible and measurable results and whether the results are transitory or durable. These concerns will receive considerable attention in the chapters that follow. PTF has found that the impact of the programs it has supported is, in a large majority of cases, significant and sometimes astonishing. In a number of cases the impact is not just tangible but also measurable—US\$2 to 3 million of public money 'saved' when scouts in the Philippines checked the production and tracked the distribution of school textbooks, or thousands of villagers in India who were deprived of rations or job cards and now receive them, or a road that was not properly constructed has been rebuilt as occurred in Luzon, and so on. In other cases, corrupt practices have been ended, as happened with improperly conducted drug trials in Kerala or the polluting disposal of toxic waste by mining companies in Mongolia.

Where projects include institutional reforms, it is more difficult to measure the final long-term impact even though it is hard to dispute the benefit—for example, introducing an improved law on the funding of political parties in Latvia, the monitoring of local government

²¹ See *Assessing and Strengthening the State of Civil Society Worldwide* for an updated program description of the CIVICUS Civil Society Index Phase 2008-1 at www.civicus.org

budgets in Poland, or strengthening the functioning of anti-corruption institutions in Mongolia. Even where it seems that there was no sustained impact, as was the case of the Joint Christian Council project in Uganda²² where community monitoring groups had been established to track expenditure on schools, but failed to carry forward their work, there remained important intangible benefits in making the community aware of their right to expect funds allocated to their schools to be properly and transparently accounted for. I believe the community absorbed the lesson and in due course the demand for greater transparency will likely re-emerge. Such lessons, once learned, are not easily erased from the collective memory.

At the most fundamental level, the process CSOs are engaged in is to change ordinary peoples' expectations and transform the underlying culture from unquestioning subservience to authority to that of empowered citizens demanding their rights²³. As Thomas Hobbes perceptively observed nearly 400 years ago, nothing stands between a sovereign's subjects and tyranny but the force of public opinion.²⁴

Recognizing common interests

Ultimately the struggle against corruption is synonymous with the struggle for better governance—to make rulers honest and accountable to their citizens, and to curb and eventually end the political elite's predatory behavior and their systematic abuse of public office. This outcome is dependent on persuading the wider elite that it is in their interest to reform because a state that respects the rule of law, protects property and is inclusive of all its citizens is a safer and more stable and prosperous place for all to live in than one held together by authoritarian rule depending on coercion alone.

At some point the elite must come to believe that the negotiated outcome is a win-win result for all—for them as well as the rest of the population. It is not accidental that the Russian oligarchs and the Obiangs prefer to hold their assets in Western Europe and the USA and many like to live there. They feel safer there and they prefer the quality of life in states that respect the rule of law. So the challenge is to convince the wider elite to trade short-term greed for longer-term security and prosperity. For civil society this means finding effective ways to put persistent pressure on the ruling group to reform, hoping that they can achieve many small gains that in the end add up to major change. At no time in this campaign should the elite feel so threatened as to put the whole reform process into reverse.

In this discussion I have used the shorthand of CSOs to encompass a wide range of stakeholders, sometimes inelegantly referred to as 'non-state actors'. This term includes not just NGOs and community-based organizations, but also professional and business associations, independent policy research centers, faith-based groups, and the independent media. The leaders of these organizations often have family links to the political elite. Drawing on Douglas North's paradigm for state building,²⁵ it is my profound conviction that taming Leviathan—making the state accountable to its citizens and transparent in its actions—can only happen when a majority among the elite become convinced that a country's future

²² See Chapter 5.

²³ For a highly pertinent discussion of how individuals living in patrimonial societies are caught in deeply embedded hierarchical structures, see Geof Wood, *Prisoners and Escapees: Improving the Institutional Responsibility Square in Bangladesh*, Institute for International Policy Analysis, University of Bath.

²⁴ Thomas Hobbes, *The Leviathan*, 1666.

²⁵ Op. Cit.

prosperity depends on entrenching the rule of law and developing a social, economic and political compact that has legitimacy in the eyes of most citizens. This implies a gradual, yet massive, transformation of a country's political culture. While this process took several centuries in Western Europe and a century in Japan, there is good reason to hope that for countries that are still 'limited access states', the transition will occur much more rapidly in the 21st Century, both because there are examples to inspire, though not copy,²⁶ and because the astonishing recent development of information technology is game-changing. In addition, economic growth in the past twenty-five years economic and social development has been much faster than in the 19th century and there are strong reinforcing links between governance reform and increasing prosperity.²⁷

²⁶ Each country must find its own solutions compatible with its own traditions and moral values

²⁷ While the correlation between higher incomes better governance is undisputed, the direction of causality has been questioned. Common sense suggests that causality runs in both directions: governance reform creates a more favorable environment for economic growth and, when people are more prosperous, the demand for good governance becomes more insistent. This virtuous upward spiral is accelerated by better information flows creating greater awareness.

Part 2

Country Stories

Chapter Three

India: Helping the Poor to Fight Corruption¹

“Every service in India has an unofficial price whether it is getting a government job as a school-teacher, a contractor getting a government contract, or drivers escaping from traffic violations. In India we have a number of poverty alleviation programmes that are meant for eradicating poverty and for development. Due to weak governance, corruption and lack of accountability poor people don’t get their entitlements and the benefits don’t reach the people.” (Indian PTF grantee)²

Bhujje Chinda is a landless widow, living in a mud house in a village in the Khariar block of Orissa State with her two sons and five daughters, one of whom is mentally handicapped. Her household income is below the poverty line, along with 85,000 other families in the same district, around a third of the local population. Her husband died four years ago, but she still does not receive any benefits from the government’s social safety net schemes.³ And she is unaware of her rights under the relevant citizens’ charter. Her story is typical of the way many Indians in chronic poverty suffer twice over. Her family is bypassed by economic growth which might theoretically have ‘trickled down’. But, worse still, corrupt officials rob her family of the social benefits intended to alleviate her poverty. This chapter describes how a program supported by PTF has helped stop the corruption that afflicts Chinda’s family and thousands of others who share their plight.

Orissa’s poor are mostly landless despite a government program intended to provide them with homestead plots. For example, Ranimunda *gram panchayat*—the lowest level of elected council—had been given land to distribute to landless families 25 years ago, but the land was never allocated even though the families had been paying their land revenue fees regularly. Allegedly, the local revenue inspector was demanding a Rs.300 bribe, equivalent to US\$6 to demarcate each plot, which may seem a small sum but is punitive for a family on the breadline.

There are many other examples of how corruption undermines the effectiveness of the well-intended social safety net schemes in India. For example, the government provides for not only free delivery to women giving birth but also an incentive payment for choosing institutional delivery instead of having the baby at home. But in 2010 when Paharia, an Orissa resident, was admitted to a local health service center for the birth of her child, the staff demanded Rs.800 (US\$15). Her husband was forced to pawn family gold to pay the bribe and meet the cost of drugs. In another case, a request for information under the Right to Information Act revealed that the local officials had claimed more than Rs.200,000 (close to US\$4,000) under the National Rural Employment Guarantee Scheme (NREGS) for the construction of seven ponds on private plots. But they were never built—someone in authority must have simply pocketed the funds. The landowners and local villagers complained about this to the local officials at the block level and to the district collector, but

¹ Vinay Bhargava, Chief Technical Adviser, PTF, was the lead author of this chapter.

² GTF Mid-Term Review survey, 2011.

³ For example, National Rural Employment Guarantee Scheme (NREGS), Public Distribution Scheme (PDS), and National Rural Health Mission (NRHM) etc.

no action was taken to sanction the official who was responsible for the fraud. Such stories are repeated endlessly across the whole country. But, as we shall see, it need not be like that.

The Citizens Against Corruption program

Numerous stories of petty corruption like that in Orissa, as well as of grand corruption at a state and national levels, emerge in India thanks to an active media and a vibrant civil society willing to take risks to expose the malfeasance of local politicians and officials. An innovative website, www.ipaidabribe.com, set up in August 2010 had by April 2012 collected and documented over 15,000 reports of bribery from 479 cities in India and this is merely the tip of the iceberg. Nearly a million people have visited the website. In 2011 the India Against Corruption movement led by the social activist Anna Hazare brought millions of people onto the streets all over India to express their collective anger against corruption and to campaign for a new Ombudsman law to tackle this social cancer. Such determined civil society agitation has taken the public anger against corruption to new heights. The Indian media and civil society discourse has forced Indian politicians to sit up and take notice.

The national and state governments, as well as institutions outside of the executive branch such as the Comptroller and Auditor General of India, the Chief Election Commission, the Supreme Court and the Ombudsman have been casting around for ways to respond to growing public anger at their evident failure to curb corruption. Citizens are now acutely aware that the feeble actions of the institutions responsible for ensuring public accountability have done little to turn back the tide of corruption. So, let down by their politicians, what can citizens do? As argued in Chapter 2, one option is for CSOs to harness citizen anger and channel it into constructive initiatives aimed at holding the state accountable and making its officials more responsive to their needs. These individual actions may each be quite modest but, if they are multiplied into many thousands of actions across the country, in aggregate they could turn the tide.

India's vibrant civil society has a long history of activism in challenging the government's misrule and seeking redress for the abuses committed by officials. So it was clear to PTF that it could only usefully contribute to this goal if it could find niches where its experience and ideas would add value.

In light of our success in a number of other countries, PTF believed that it had evolved a unique approach that, even in India with its long experience of civil society activism, could make a valuable contribution by helping local CSOs to fight corruption that damaged the lives of poor people. The aim was to support innovative, locally initiated, anti-corruption projects mostly at the village level with small grants and to marry PTF's advisers' global knowledge with local expertise. Critical to the success of this program was the grantees' willingness to engage directly and constructively with the responsible agencies both to redress the specific cases of corruption that were exposed and, at the same time, search for solutions that would make similar corruption much less likely in the future.

In 2008 PTF joined with the Policy Affairs Centre in Bangalore⁴ in setting up a new *Citizens Against Corruption* program for India which attracted funding from UK DFID's Governance and Transparency Fund. The main focus was on helping poor people to access

⁴ The Public Affairs Centre in Bangalore was started by Professor Sam Paul and has an outstanding record in pioneering social accountability techniques such as the community report card. See <http://www.pacindia.org>

the benefits of government's social security programs without having to pay bribes. This was promoted through a range of projects proposed by CSOs in Karnataka, Kerala, Orissa, Rajasthan and Uttarakhand. The program was two pronged: demanding better governance through citizen engagement and building the capacity of local CSOs through technical advice and sharing the lessons learned.

The program was intentionally demand led. The selection of thematic areas was left to the applicants. Fifteen proposals were chosen out of a total of 180 submissions. These were predominantly grassroots community actions to help citizens put an end to abuses in three government social safety net programs: the NREGS providing paid work to poor people during lean times, the Public Distribution System (PDS) providing subsidized food and the National Rural Health Mission providing health services for the poor. The first two programs alone have annual budget outlays of US\$10 - 12 billion a year. But the wastage in these due to poor governance and corruption is immense. According to a planning commission study only about 42 percent of subsidized grains issued under PDS reaches the target group.

Help arrives for the citizens of Khariar

One of the CSOs included in the program was *Ayaukam* which had been working on poverty, health, forest land rights and livelihood issues in the Khariar block in Orissa since 2003. Ayaukam wanted to stop corruption in the delivery of health services in 10 panchayats. Help for Bhujje Chinda and other victims was on its way. Ayaukam started with a *baseline survey* of 64 villages in Khariar to assess the extent and nature of corruption. The survey found that people in these villages paid more than US\$11,000 collectively each year in 'corruption taxes' to government health service providers. For example, the government hospital was charging US\$55 for delivering a child when the service was supposed to be free. Health services had become a business rather than a public service. Free medicine was not available and doctors and the other health staff were not present during duty hours. In addition, hospital staff was criticized for their condescending and inhumane behavior toward patients and relatives.

To tackle these problems, Ayaukam first organized a workshop to discuss the survey findings with journalists. This generated a lot of interest and led to a series of stories in the press and other media on the abuses prevalent in the local health services—the bad behavior of staff, the 'disappearance' of free drugs, and so on. Ayaukam's next step was to establish and strengthen citizens' organizations to monitor and expose corruption. Every village formed a *Citizens Against Corruption Forum*⁵ to protest corruption issues at the village level. These formed a network at the panchayat, block and district levels.

Ayaukam then persuaded all the key people involved—women activists, elected panchayat officials, community-based organizations, youth clubs, government officials and service providers—to participate in group sessions at which the weaknesses and failures in the health services were explained and solutions were discussed. This led to campaigns against corruption being initiated in the villages. Meetings were held to identify and discuss the problems of each village followed by *public hearings* attended by district level officials, including the district collector and the head of the district health department. With the assistance of Ayaukam, villagers used *right to information* requests to obtain information about services which enabled them to cite specific evidence at these meetings. Finally, a tool was developed to enable community volunteers and self-help groups to monitor health services and identify corrupt practices—activities that community organizers call 'social

⁵ *Durnity Birodhy Manch*.

audits'. To press their points home, rallies and demonstrations were organized that demonstrated to officials the strength of the community-based organizations and the determination of the villagers to assert their rights.

Ayaskam encountered many challenges. Health staff and officials at the block and district levels initially reacted negatively. They influenced people not to cooperate with the project team. Doctors tried to persuade local political leaders to subvert the effort. They threatened to file criminal and false claims against Citizens Against Corruption Forum members and withheld information. Without the relevant information, it was impossible to organize people. Fortunately, this resistance was overcome when the villagers successfully filed applications under the Right to Information Act. So firm has been the support from the Indian Supreme Court, officials dare not refuse such applications.⁶

What did the Khariar citizens achieve?

Ayaskam and members of the forums persisted in the face of official resistance, writing letters and meeting with the higher authorities and local politicians, supported by the local media. Gradually the situation improved. Steady pressure added to increased awareness and greater participation of local people forced the service providers to be responsive. It helped when they came to understand that they were not being personally targeted. Cooperation between the community and service providers strengthened as problems were shared and solved.

The forums' efforts drew support from many other local groups. The involvement of elected members of the *panchayati raj* institutions—or local councils—helped. Grassroots service providers agreed to participate in project activities. Cooperation between community organizers and local level health staff steadily improved. Social audits when used to support constructive dialogue strengthened cooperation between the healthcare administration and the village forum. The training for community-based organizations encouraged them to support the reform program. Self-help groups in every village became involved, demanding an end to corruption wherever it was exposed.

This was just one initiative in one sub-district. But consider what was achieved by Khariar's citizens in their fight against corruption. Bhujje Chinda was included in the public food distribution scheme and thereafter received 10 kg of free rice each month free of cost. She also received Rs.10,000 (roughly US\$190) under the family benefit scheme and became eligible for a widow's pension. To help the landless in Ranimunda panchayat, the Citizens Against Corruption Forum invited the *tahsildar* (local revenue officer) to participate in a social audit. Before this happened, fearing that there would be a public demonstration, the tahsildar ordered the demarcation of the land; a task that had been delayed for 25 years was completed in one day.

However, when the forum raised with the health authorities Paharia's complaint of having to pay a bribe for the delivery of her child, the doctors protested and filed a case with the police against members of the forum, alleging that they were instigating people to make false allegations. When members of the forum appealed to the senior medical officer, he reprimanded the staff at Khariar health center. But the staff nonetheless pressured the family

⁶ India's Right to Information Act is widely regarded as being among the most powerful transparency laws in the world; see Shekhar Singh, 'The Genesis and Evolution of the Right to Information Regime in India' in *Transparent Governance in South Asia*, Indian Institute of Public Administration, 2011.

not to file a complaint. The husband capitulated for fear of retaliation by local health officials when the family next needed medical attention. With the withdrawal of the charge, the forum could not prove what had happened, but the whole affair was a cautionary tale for the service providers. As for the missing ponds, rather than taking any action in Kusmal to investigate, the officials involved tried to dig the ponds. This was stopped by the villagers and the matter was reported in various media, forcing the state government to conduct an inquiry. As a consequence, two officials were suspended and three others lost their jobs—something that is unusual in rural India.

As a result of this citizens' activism, government officials now recognize the strength of community action. The local health service staff has been instructed to involve community organizations and the community at large in village health planning and monitoring. In this way citizens have gained real power, not only in the villages directly involved, but more widely. Village-level service providers started attending the social audits and related programs. The rallies conducted against corruption increased the people's confidence and they are expecting more such events.

An impact study done by Ayauskam after the completion of this project showed a reduction of corrupt practices in government hospitals: 80 percent of those surveyed said that they are not paying fees for hospital births. Payment of bribes to other public service providers has been reduced by a half. Expenditures on medical services during pregnancy and delivery have been reduced by 82 percent. Village health committees have been formed, free medicines are available at the village level, and the countersigning of checks for financial support to mothers after hospital delivery is now done immediately. There is effective distribution of the full quota of Take Home Rations under the Integrated Child Development Scheme, medicine lists are displayed at government hospitals, and malnourished children receive special care. Anti-natal and post-natal health services have improved. Most of the 11,000 households in the project area serviced by Ayauskam are now able to get their entitlement of free medicines and services without paying a bribe. The value of such services is estimated at US\$30 to 55 per family per year—a significant improvement.

Replicating the Khariar success story

The projects of the 15 CSOs supported by PTF under its Citizens Against Corruption program in India covered over 1,000 villages and helped some 88,000 very poor families—around 250,000 people—to curb corruption in the government's three main social safety net schemes. These villages, which were mostly the tribal hill tracts, or urban slums, were far below the average in terms of India's social and economic development indicators and had less effective local institutions. As a result, the task of promoting awareness and strengthening the influence of the citizens on local public institutions demanding better governance was more challenging than elsewhere in India.

Wherever possible, PTF's CSO partners like Ayauskam conducted baseline surveys in their areas to record as accurately as they could the situation in each area before initiating new activities. These revealed significant corruption and other governance weaknesses in the three social safety net schemes even though the government was supposed to have in place arrangements for monitoring, control, inspection and audit to prevent such abuses. In one project area nearly 80 percent of the respondents reported paying bribes for PDS rations to which they were entitled. In another project area all the beneficiaries surveyed reported paying bribes to obtain benefits under the NREGS. Typical problems encountered in the latter

included the exclusion of eligible families or those with job cards being offered less than their entitlement of 100 days of work. Some were not paid for the work they had done or their payments were seriously delayed. Sometimes officials would demand bribes to register eligible workers. On the other hand, ineligible persons were often included and bogus claims were made and the wages shared with the local officials. Ghost workers were registered as employed and their wages stolen. Similarly, under the PDS, ration cards destined for those below the poverty line were handed out to ineligible families. The storekeepers responsible for honoring the ration cards often supplied contaminated food, or less food than stipulated and some over-charged. Some shops failed to open when they were supposed to. In 2011 in Karnataka, the corruption watchdog, the Lokayukta, found that 5 percent of eligible families were excluded from the system, 49 percent of ineligible families were included and the rest received 23kg of grain as against the 35kg supplied by the government, and 11 percent of the households reported paying bribes to get a ration card.⁷

Ways to empower citizens to fight corruption

To tackle the corruption and poor governance problems in their areas, the CSOs set about mobilizing citizens to challenge local officials. They used similar strategies to those adopted in Khariar, but with local adaptations. In essence they all included campaigns to make local communities aware of their rights and entitlements. They encouraged local people to make applications under the Right to Information Act to obtain data on what local officials were reporting to their agencies and compare this to the situation on the ground. Communities were trained to set up their own monitoring groups to track what was happening. All this



Panchayat Social Watch Meeting, Govindpur

information was then presented at meetings attended by the responsible officials and a demand made for the abuses to be stopped. In this way the communities were able to engage responsibly with the government authorities, encouraging them to be responsive. The tools used included audio, video, drama and printed materials for raising awareness; the formation of citizens vigilance groups and the completion of citizen report cards to track and record actual practices including taking photographs to illustrate abuses; the use of public hearings where the findings from

monitoring are presented and discussed; and media campaigns to give wide publicity to these actions.

Typically these campaigns would follow a logical sequence which started with awareness raising within the community, the formation and training of monitoring teams, the collection of evidence, the presentation of evidence at meetings where all the relevant stakeholders were present, the building of coalitions and the mobilization of the local media to add pressure on those officials and politicians in authority. The CSOs were encouraged to compare baseline surveys with data collected at the end of the campaign that showed the results achieved as a basis for evaluating impact and reporting the lessons learned which

⁷ Balasubramaniam Committee Report, Lokayukta, Karnataka, 2011.

could then be shared among a wider group of CSOs. This learning from past initiatives provided a basis for planning new campaigns.

Delivering results

After the first round of 15 projects completed under the Citizens Against Corruption program in India, the *Society for Participatory Research in Asia* (PRIA) was hired in 2011 to conduct an independent evaluation. PRIA found that almost all the CSOs were successful in carrying out the projects as planned. In addition to the specific benefits that were achieved—poor families getting the rations, or job cards or other benefits to which they were entitled but had previously been denied them—there were other benefits such as a new sense of community empowerment, poor people’s improved knowledge of their rights, and a new self-confidence to engage with public officials that has the potential to transform their lives. The projects covered about 1,000 villages in four states. More than 100 citizen groups were organized and over 1,000 people were trained to engage in collective actions. These activists held numerous public hearings and other events such as mass rallies. They gathered data on corruption problems and worked with media to put pressure on the local authorities to improve service delivery and hold corrupt officials accountable.

One example of this was a postcard campaign from one of the villages organized by the *Swami Vivekananda Youth Movement* in Mysore. The villagers, assisted by the SVYM, wrote postcards to district authorities about the malpractices that were occurring at local PDS shops. The campaign was successful in persuading the district authorities to issue orders to the lower level officials to monitor the activity of the PDS shops and conduct surprise checks. The officials not only complied, but are also now available regularly on a fixed day so that people can raise issues directly with them. SVYM also reported that it was successful in assisting about 15,000 people to get ration cards that helped them access the subsidized PDS items. And, as a result of constant pressure from villagers, 40 PDS shops have set up information boards which disclose the mandated information on stocks and price.

Over 2,000 applications were successfully filed under the Right to Information Act and the information collected was used to expose corruption. For example, in the village of Rudei a village road had been constructed under the NREGS in 2008, but part of the funds meant for the workers was withheld. With help from *Suraksha*, a local CSO, and using the RTI Act to expose the facts of the case, the correct amounts due were established, recovered and paid out.



More than 20,000 eligible people received job cards under the NREGS or ration cards which had been denied to them under the PDS and did so without bribes being paid. In one project area alone 74 new work projects were sanctioned to meet the needs of job card holders who were previously **Adhar village vigilance committee** without work. Many areas reported that the percentage of eligible people receiving work on demand rose significantly. Two areas reported that the average work days doubled and wages paid rose from 35 - 50 percent of minimum wage to 90 percent. In several areas, drinking water, shade and first aid began to be provided to workers. In Orissa, due to the efforts of *Adhar*, a grassroots CSO formed by activists in Bolangir district, 95 eligible families in one

block (a local government unit comprising a number of villages) received ration cards that were long overdue. Twenty out of 25 PDS shops ensured that the correct quantities of rice,



Women monitoring PDS food supplies, YSD Orissa

wheat and sugar were distributed, which was not happening before. In Thakurapalli village, through the efforts of their anti-corruption committee, the discrepancies in the distribution of kerosene oil were resolved and the dealer was suspended; in Uparbahal, the anti-corruption committee helped in ensuring that the right quantity (25 kg) of rice was distributed to the beneficiaries as compared to 4 to 5 kg that was given initially.

In the many areas where CSOs were able to gain the cooperation of the authorities, PDS fair price shops started opening on time, displayed the required information publicly and delivered full entitlements at the stipulated price. In the project area supported by *NJMO/Prerana*, 60 village shops showed more than a 50 percent improvement in the delivery of honest services when citizen groups drew local officials' attention to the deficiencies. Some shops were declared 'Model Fair Price Shops' for being free of corruption. In another case, in the city of Berhampur, the *Youth for Social Development* built up a good rapport with the local public agencies, training public officials on information disclosure⁸ and citizen monitors reported on service delivery issues (corruption and lack of accountability) during a public hearing with government officials. Government officials subsequently participated actively in meetings with community groups and in training programs, providing commendable support to the community. Four slums in the project area supported by YSD, for long without water supplies, were provided with public water taps without paying any bribes.



Suraksha: Checking data at a Public Forum

Measuring and publicizing impact was vital to build community support and momentum for the program and to persuade the politicians and the public that the effort was worthwhile and should be continued and expanded. But it can only be done on a case-by-case basis as each has distinctive features. Data collected showed some impressive results. For example, two PTF supported projects (*NJMO/Prerana* and *Suraksha*) reported the recovery of Rs.12 million (US\$250,000) in wages that had been siphoned off by corrupt officials. In another (*VICALP*), none of those receiving new job cards paid a bribe, as against 65 percent who had been forced to pay bribes before the project started. However, it was often not possible to eliminate bribe paying entirely with just one push. In one case (*Adhar*), at the end of the project 30 percent of workers still had to bribe if they wanted to be paid—a reminder that it takes time and persistence to establish new patterns of behavior.

⁸ 'suo moto' information disclosure under the Right To Information Act.

Scalability and sustainability

The well-documented achievements of projects in the Citizens Against Corruption program in India, is helping to answer many important design and implementation issues. Yet many questions remain. It is clear that the citizens' empowerment and engagement are effective in holding the service providers accountable and making them more responsive to citizens' needs, but the gains are fragile and may disappear if the effort is not sustained. The long-term success will require a program that is both scalable and sustainable. And this in turn calls for local funding as well as many more dedicated and capable social intermediaries like Adhar, Ayauskam, Suraksha, and Youth for Social Development. The foreign donor support is at best



...NREGS road project

medium-term and will eventually end. Can private domestic funding be mobilized or might the government agree to cover the CSOs' monitoring costs? Will the communities' interest and volunteer spirit be sustained? Are there enough honest and capable grassroots CSOs to handle replication on a large scale? Is there robust evidence on the effectiveness of strategies and tools? What is the model of change that underpins the Citizens Against Corruption program? The program itself has provided some answers to these questions and some encouraging indications are emerging which are raising confidence that the program strategies and tools are replicable and a path for making the program sustainable is emerging. But much more must be done to build on this positive experience and flesh out more complete answers.

Converting this pilot initiative into a broad-based country-wide program will require a number of actions. Civil society and community based organizations play the critical catalytic and facilitation role between the people (demand-side) and the government (supply-side). Without them the citizens mostly remain passive, lacking the leadership and the confidence to challenge centuries-old habits of acceptance of officials' abuse. It is important that these activist CSOs come to be seen by politicians and officialdom as a legitimate and critical part of the country's accountability system. This will come about as the number of successful case studies grows demonstrating the CSOs' value and effectiveness. And for this to happen, CSOs will need considerable assistance to build capacity and achieve sustainability. New CSOs with integrity and a grass roots presence must be found. Investments will be required to build the CSOs' and the citizen monitoring groups' capacity to undertake social audits and learn the skills of constructive engagement. Networks and coalitions must be nurtured so that the CSOs acquire the gravitas and presence needed for effective advocacy. Exploitation of the social media and other information technology tools will also be an important part of the overall strategy.

What made for success?

Seven aspects are significant for the continued success of the Citizens Against Corruption program in India. First, *the virtuous circle of voluntary effort*: as citizens become more confident of their own capacities in tackling corruption, they become more prepared to commit effort to future action. Second, *the proven effectiveness of social accountability tools*⁹: in widely differing settings, familiar tools have proved effective, including surveys of

⁹ Chapter 13 deals in some detail with the link between social accountability and PTF's way of working.

people's perception or experience of corruption, community report cards, social audits, filing right to information applications, and similar mechanisms as described above. Third, *the resilience of new local structures* for tackling corruption, variously described as social watch or vigilance groups, service watchdogs or monitoring committees, user groups, and the like. Fourth, *important support networks are emerging*: some grantees provided mutual support and experience sharing by establishing networks that link together these new local structures; elsewhere they are joining wider civil society networks. Fifth, *strong local leadership*: the new local structures have led to the emergence of new cadres of grassroots leaders, especially amongst women and young people. Leadership needs to be deep rooted; dependence on a small number is risky. Sixth, *the power of constructive engagement*: by avoiding unhelpful confrontation and seeking instead to build trust based on a highly professional and evidenced based approach, citizens' have been able to win round key officials whose cooperation and support is key to putting right the failures and abuses in public service delivery. And seventh, *community contributions* beginning to be levied by a few of the new local structures meet some of their local costs, showing the way forward to greater long-term sustainability.

The Citizens Against Corruption initiative has been helped by India's favorable environment for advocacy CSOs. Adherence to the rule of law gives CSOs space to function without harassment from the public authorities. Particularly important is their access to public information since 2005 supported by the Supreme Court following the enactment of the Right to Information Act. Furthermore, public opinion has become increasingly supportive of anti-corruption work in the past five years, especially following the exposure of a number of high-profile corruption cases and the large public demonstrations against corruption led by Anna Hazare.

What has been learned?

In the vastness and complexity of India, the Citizens Against Corruption program is but a grain on a sandy beach. The small community-based projects are at best pin-pricks in the rhinoceros skin of corrupt service providers. Yet if multiplied many thousands of times across the country, they would add up to a critical mass of evidence sufficient to impress and engage those in authority in the middle and senior levels of government. While this program does not address the grand corruption that afflicts the national schemes and involve the misappropriation of many billions of rupees, PTF has supported other initiatives which do. That is a story which is taken up later in this book.¹⁰ But they do tackle the abuses suffered by hundreds of millions of very poor people. Cumulatively, petty corruption adds up to billions of dollars annually and in terms of the human damage wrought is vastly more important.

The results emerging from the pilot program are sufficiently robust to provide enough evidence to support three conclusions. *First*, the government's official mechanisms for monitoring, control, inspection and audit are ineffective in preventing corruption and inefficiency. *Second*, many of the governance and corruption issues can be mitigated by citizen activism of the kind described in this chapter. And, *third*, a model of change is emerging for moving from the current situation of high corruption and governance weaknesses in the social safety net schemes to one where local officials are held accountable and are forced to be honest and responsive as a result of citizen pressure. Critical to this

¹⁰ The massive corruption in the construction sector and in public procurement and licensing, all related to large national investments, is addressed in Chapter 9. Corruption in the conducting of drug trials is addressed in Chapter 11.



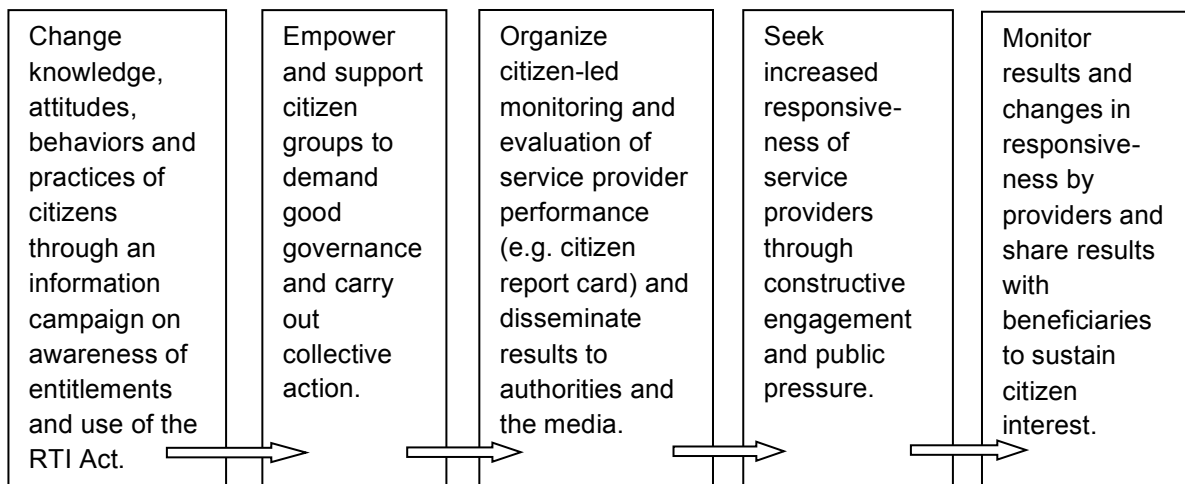
Village corruption monitoring committee meeting, Tangilpadar,

transformation will be a progressive resetting of people's attitudes and expectations resulting from the empowerment of ordinary citizens.



A Relek community meeting on NREGS in Uttarakhand village

We have seen from the many cases discussed above that the process of change that we have described follows a logical sequence, namely:



We have learned, too, that:

- *Citizen monitoring can work effectively under three conditions:* (i) corruption is widespread, adversely affecting the incomes and livelihoods of individuals and communities; (ii) CSOs can emerge and operate relatively freely without repression or serious threat; and (iii) some officials or elected representatives are prepared to engage constructively with the communities and make available information that is needed for beneficiaries to provide feedback. In many states in India these conditions prevail sufficiently to allow successful citizen monitoring and oversight.
- *Focusing on specific programs is more effective and facilitates replication:* targeting corruption in large public sector programs and involving multiple CSOs can facilitate standardization of results' indicators, survey instruments and communication materials and identify systemic successes and failures that can become a basis for replication and the aggregation of results.
- *Sustainability of citizen engagement is a hard and long-term endeavor but is facilitated by:* (i) visible improvements (quick wins) in the local situation due to voluntary efforts; (ii) effective use of social accountability tools and local structures;

(iii) the emergence of support networks and strong local leadership; (iv) the presence of some key public officials committed to service and integrity; and (v) mechanisms to encourage community financial contributions to cover the costs of citizen engagement.

- *Translating local level successes into higher level impact is challenging.* Grassroots CSOs usually do not have the analytical, advocacy and political economy skills needed to influence policy makers. For success, investment is needed in building networks and coalitions. Traditional and new media involvement is a must.
- *Social media and other information technology tools need to be applied imaginatively.* Good practices and innovations in this area are emerging very rapidly and civil society organizations face the challenge of keeping up with the innovations and applying them in their work.

A critical issue for the future

Ensuring good governance and corruption-free delivery of public services is essentially the responsibility of the executive branch of government and domestic accountability institutions outside the executive branch: the Ombudsman, Comptroller and Auditor General, Central Vigilance Commission, and related organizations. Clearly these are not effective or there would be no need for citizen activism of the kind we have discussed. Equally clearly there is a limit to what citizens alone can achieve along with the goodwill of some senior officials and politicians who are exposed to the problems facing ordinary citizens as a result of the corruption, negligence and incompetence of unaccountable junior officials. The two sides need to work together. But much more attention should be given by civil society activists working at the state and national level to understand why the official system of public accountability is not functioning effectively and to tackle the causes. Thus, in addition to civil society monitoring the delivery of public services at the grassroots level, stronger CSOs working at the national or state level could monitor the performance of the whole oversight system that exists precisely to prevent the abuses that are taking place. They could identify and analyze the failures, devise remedies and make recommendations for reforms covering every level of oversight from district level vigilance committees to the Supreme Audit in Delhi. At the same time, based on this work, they could put similar pressure on these officials to perform better in the same way that they have been putting pressure on the lower level officials who are interacting with the citizens at the point of service delivery. It would be far more cost effective for civil society to monitor the official ‘monitors’ than to attempt to monitor service delivery in each and every village.

However, experience under India’s pilot Citizens Against Corruption program, as well as a growing body of work in public sector management (e.g. under the auspices of the Open Government Partnership¹¹) strongly suggests that governance of service delivery schemes is improved when the state led oversight mechanisms are combined with citizen led monitoring and there is constructive engagement between the two. We are not saying that citizen led initiatives should or could substitute for the government’s primary responsibility to deliver corruption free services. However the reality is that the state led initiatives have not been, and are unlikely to be, fully effective, and sometimes seem intended to be this way.¹²

¹¹ <http://www.opengovpartnership.org/>

¹² There is evidence that some anti-corruption measures are deliberately designed not to be effective (Richard Holloway).

The results reported by the independent assessment of the Citizens Against Corruption program demonstrate that corruption was lowered and service provider responsiveness improved by citizen oversight and engagement. In this way civil society is making up for the deficiencies of the official oversight institutions. But the next stage is for civil society to use similar tools to demand that the performance of these institutions is radically improved. This is a theme we shall return to in the final chapter.

Chapter Four

Mongolia's Strong Women¹

“Today or ... it may be too late” was the urgent call to action in 2001 as Mongolians wrestled with their personal experiences of corruption. “Anywhere you go to do business, you either seek somebody you know or you bribe”, said a vendor in the Narantuul flea market. Another had a more horrifying experience: “Last year one of my brothers needed a surgical operation and we went to the hospital. The doctor there said that there were no beds vacant. Among relatives we collected 40,000 *togros* (about US\$40) and gave it to the doctor; only then was my brother admitted. After the operation we gave to every surgeon and nurse since this was the custom.” In Dornod a group of ordinary citizens concluded: “It is not true that corruption is more widespread in cities and less in the countryside. It is everywhere, at all levels in government.” These were voices captured in a survey funded by PTF in 2003.²

Mongolia is perhaps not one that immediately comes to mind as an exemplar of citizen activism to root out corruption. But Mongolia is in many ways surprising. It has made an impressive transition to democracy and to a market economy. Despite its relative isolation, sparse population and harsh climate, in recent years it has achieved one of the fastest rates of economic growth in the world. This is mainly explained by the rapid exploitation of its newly found mineral wealth. Despite living in the shadow of Russia and China, its governance indicators³ are comparable to India's. And although a comparative newcomer to civic activism⁴, its relatively inexperienced CSOs have been surprisingly successful in fighting corruption, even though they still have a long way to go. PTF has assisted five path-breaking CSOs to implement projects reinforcing government's anti-corruption programs, strengthening legal and institutional arrangements, promoting the rule of law, and monitoring the delivery of public services. The success of PTF supported projects has been heartening—explained in large part by the inspired work of some remarkable Mongolian women. This is their story and we have a lot learn from it.

Lie of the land

Long shielded by the structures of secrecy of the old socialist order, in the 1990s corruption started to come under public scrutiny as Mongolia adopted more democratic institutions. At the same time, Mongolia's growing wealth opened up new opportunities for large scale corruption. Various nationwide surveys told the same story, but the most compelling was the picture painted by a corruption benchmarking study from eight national polls, between March 2006 and September 2009, commissioned by USAID.⁵ These polls tracked the trends in public

¹ Dante Delos Angeles was the lead author of this chapter.

² Project: *Monitoring of the Implementation of the Government's National Anti-Corruption Program in Mongolia and the Role of Open Society in Fighting Corruption*, Zorig Foundation, October 2003 – July 2004.

³ The Transformation Index for Mongolia in 2003 was 6.5, compared to 6.5 for India, 5.7 for the Philippines; and 4.1 for Nepal. The Bertelsmann Stiftung's Transformation Index evaluates the quality of democracy, economy and political management in 128 developing and transition countries.

⁴ The World Bank reported a dearth of Mongolian CSOs explicitly working in the area of social accountability; see *The Enabling Environment for Social Accountability in Mongolia*, World Bank, 2007.

⁵ The Asia Foundation conducted the *Mongolia Corruption Benchmarking Survey* in partnership with the Sant Maral Foundation.

perception of corruption and gave concrete evidence of its harmful effect on ordinary people. Consider these startling findings: one in five households reported having to pay bribes in the previous three months to secure a permit from government, or to receive medical attention, or police assistance or justice from the courts. Citizens saw those entrusted to crack down on corruption—judges, prosecutors, and the police—as among the most corrupt. The burden on each household was found to be increasing, from US\$156 a year in 2006 to US\$266 by 2009.⁶ Corruption was strangling the development of Mongolia and slowing down democratization.

Growing public pressure prompted the government to institute the legal framework for anti-corruption reforms. In 1996 the Great Khural—Mongolia’s parliament—had passed the first anti-corruption law in its history. But the law was flawed and its enforcement grossly inadequate in a society undergoing rapid transformation. In 2002, the Great Khural revised the law, launched a National Anti-Corruption Program and created a National Council to coordinate and monitor its implementation. The program was all encompassing; if fully implemented, it would have created the legal and institutional framework for an effective anti-corruption campaign. It sought full participation of the media and CSOs. It opened the country to international organizations and foreign countries wanting to provide assistance in reducing corruption. The Great Khural also mandated biennial monitoring of program implementation and retained overall oversight. In 2003, a comprehensive evaluation found its implementation very deficient.⁷ In the first place, the public questioned the Great Khural’s decision to keep control of the program, overwhelmingly favoring the creation of an independent anti-corruption agency with special powers to put life into the program. Faced with public pressure for reform, in 2006 the Great Khural enacted a new anti-corruption law that created an Independent Authority Against Corruption, which was widely acclaimed. Soon its credibility also declined as corruption persisted and people saw that it was protecting the ‘big fish’.

Galvanized by the evidence of widespread corruption,⁸ civil society groups began mobilizing. Shaking off the socialist culture of central control, a growing number of independent, diverse, and vibrant CSOs emerged with a strong commitment to promoting democracy, good governance and government accountability, working together with the media. In April 2007 there were 6,283 of them spread across 18 different specializations.⁹ They were initially constrained by a lack of access to information, but this changed with the enactment of a Freedom of Information law in 2011. CSOs are now able to participate in policy formulation and their advocacy campaigns have triggered changes in policy, particularly evident in the anti-corruption arena. Most CSOs are located in the capital, but increasingly independent grassroots organizations have also been mobilizing in rural areas in response to specific threats to their community, such as the illegal discharge from mining that is polluting rivers and destroying the environment. Their strong growth is attributed in part to legal protection provided by the Law on Non-Government Organizations, backed by the

⁶ These figures appear only to cover bribery; they do not include big-ticket state capture or corruption resulting from conflicts of interest.

⁷ This is one of the major findings of the PTF-funded Zorig Foundation study *Monitoring of the Implementation of the Government’s National Anti-Corruption Program in Mongolia and the Role of Open Society in Fighting Corruption* cited in endnote 2.

⁸ Transparency International’s Corruption Perception Index for Mongolia deteriorated between 2005 (CPI 3.0) and 2010 (CPI 2.7).

⁹ UNDP National Human Development Report, 2010: Institutional and Governance Challenges.

Constitution of 1992.¹⁰ Although CSOs have their respective areas of specialization, they often collaborate and share board members.

While corruption in Mongolia remains problematic, these developments are favorable enough for anti-corruption efforts to take root. A survey in 2010 found a decreasing acceptance of bribe-giving among citizens. The new president tapped into this public sentiment when he ran and won on an anti-corruption platform in 2009. Since his election, he has worked to strengthen the laws and institutions crucial to controlling corruption through a package of new laws to reform the judiciary passed by the Great Khural. The chief justice of the Supreme Court opposed these initiatives, triggering a clash that led to his resignation.

Over the past ten years, PTF has supported a range of CSO projects. Starting with support for the media in 2002, it provided technical and financial assistance to tackle conflict of interest among parliamentarians, establish a code of ethics for the judiciary, stop the environmental damage caused by mining and build the capacity of the institutions set up to deal with corruption. These amply demonstrate the guts and doggedness of activists determined to bring about change.

Re-shaping the anti-corruption system

At the turn of the century Mongolia's media were poorly equipped to play its key role in countering corruption—to expose corrupt officials and educate the public in the many dimensions of corruption and their negative impact on society. The *Zorig Foundation* took up the task of transforming the media into a more effective corruption watchdog. The foundation had been founded in 1998 by Sanjaasuren Oyun¹¹ to advance the democratic ideals of her assassinated brother Zorig, one of the leaders of the country's peaceful democratic revolution in 1990. In 2001, Oyun sought PTF support to implement the pioneering media campaign *Today or ... It May Be Too Late*.¹² The foundation's initiative proved a breakthrough: by launching a competition among media practitioners, journalists, and artists to attract the best of them to produce newspaper articles, essays, TV and radio programs and commercials, and posters on corruption themes, it catapulted corruption to the forefront of the political agenda. The 450 media people who participated produced 411 entries, constituting a rich database of anti-corruption materials. Award-winning entries were broadcast on TV and radio stations or published in daily and weekly newspapers; the best five posters were printed and posted in government agencies and distributed to all schools and village libraries across the country. It was a saturation media campaign never before seen in Mongolia.

The campaign generated wide public notice. For several weeks Mongolians were bombarded with information on the nature and consequences of corruption in their country, enough to jolt the Great Khural into promulgating the National Anti-Corruption Program and creating its coordinating National Council.¹³ Oyun was made a member of the National Council.

¹⁰ CIVICUS Civil Society Index Report for Mongolia: State of Civil Society in Mongolia, 2004-2005.

¹¹ Dr. Sanjaasuren Oyun has been a member of the State Great Khural since 1998 after her election to the position/district vacated by her assassinated brother Zorig. She is the only female leader of a political party, the Civil Will Party, in Mongolia.

¹² *"Today Or ... It May Be Too Late" Anti-Corruption Media Competition*, Zorig Foundation, 2001.

¹³ Resolution 41.

The National Anti-Corruption Program was welcomed in a country that was becoming ever more corrupt. Yet, a year later, it was not clear what the authorities were doing to implement the program, prompting the Zorig Foundation, supported by a new PTF grant,¹⁴ to undertake a comprehensive assessment. The study's main finding—that the Program was poorly implemented—was hardly a surprise, but the study was useful in suggesting ways to strengthen Mongolia's anti-corruption efforts. It revealed, for instance, that compared to central government, the local governments in the provinces¹⁵ were more committed to the program, had a higher performance level, were more innovative in their action plans, and had bigger CSO and citizen representation in their local anti-corruption committees. Innovative actions by provinces included providing rewards for confidential information on corruption, tracking the use of foreign aid, tackling tax evasion, holding anti-corruption contests, installing telephone hotlines, and conducting local surveys on corruption.

Two other findings, this time from public polling, were to influence subsequent policies. Distrusting the Great Khural's commitment to the Anti-Corruption Program, the overwhelming majority of the public endorsed the idea of establishing an independent anti-corruption body with special powers. The polling also revealed the lack of a consistent or clear understanding of the more complex types of corruption. This was in part due to ambiguities in the laws and regulations, which failed to define the boundary between ethical and unethical public conduct, or between legal and illegal acts. Nowhere was this more pronounced than in the area of conflict of interest.

Regulating conflicts of interest

In 2006, the *Women for Social Progress* movement, led by an indomitable campaigner Sukhgerel Burmaa, had sought to persuade the Great Khural to enact conflict of interest legislation. This led to another pioneering anti-corruption initiative supported by PTF,¹⁶ which turned out to be a painstaking and dangerous undertaking. The first step was to build public awareness of the concept of conflict of interest and to gain their support for the enactment of a law regulating it. This entailed researching global best practice and studying a large number of laws, codes, and conflict of interest cases publicized in the media. The results were used to prepare a conflict of interest toolkit adapted to Mongolia's needs and culture.¹⁷ The toolkit became the source material for the multimedia information campaign launched jointly by WSP and the Independent Agency Against Corruption. Copies were distributed to members of the Great Khural, the cabinet and senior government officials, and to CSOs, universities and libraries. Key staff members of the authority and related agencies were trained to use the toolkit.

A turning point in the national debate on this issue was the discovery of abuse of power at a very high level. While reviewing the legislation, the WSP research team found examples of unconstitutional editing of legislative bills after their approval by the Great Khural. The unauthorized 'edits' made the laws toothless, and altered the intent and principles of the laws as passed by parliament. WSP challenged this practice in the Constitutional Court,

¹⁴ *Monitoring the Implementation of the Government's National Anti-Corruption Program in Mongolia and the Role of the Open Society in Fighting Corruption*, Zorig Foundation, 2003.

¹⁵ Called *aimags*.

¹⁶ *Regulation of Conflict of Interest in Mongolia*, Women for Social Progress, 2006.

¹⁷ The Research Team adapted the content and form of the OECD *Guidelines for Managing Conflict of Interest in the Public Sector: A Toolkit* to produce Mongolia's Toolkit. They did so because the provisions borrowed from the OECD Toolkit represented international standards and best practices that Mongolia was seeking.

and won after a lengthy legal battle—aided extensively by supportive TV, radio and newspaper coverage—that also brought about the resignation of the Speaker of the Great



Khural who had prime responsibility for this crime. The success of this court case resulted in strong public support for WSP's conflict of interest law, a law that was to directly affected a half of the cabinet ministers—mainly those coming from the business sector—but at some cost. In the heat of the battle, the WSP was harassed, its office was attacked, and Burmaa and her staff were threatened.

.....**Toxic paste from mining polluting farm land**

In 2011, with PTF support, WSP campaigned for a new conflict of interest law that reflected international standards and best practices.¹⁸ A member of parliament, Temuujin Khishigdemberel, had previously put forward a flawed draft law. WSP persuaded Temuujin to accept a vastly improved draft which he presented to a public forum attended by members of the Great Khural, the President's Secretariat, and the Independent Authority Against Corruption, as well as representatives of CSOs. This was the first stage of the advocacy work, and only the beginning of the intensive lobbying that followed. A court action filed by WSP referring to Mongolia's obligations under the United Nations Convention Against Corruption encouraged the Great Khural to act expeditiously. It passed the Conflict of Interest Act in January 2012.

The Mongolian story so far has highlighted two CSOs both led by exceptional women providing courageous leadership in challenging the unaccountable use of authority by powerful state institutions. PTF supported three other initiatives, similarly led by remarkable women. Dr. Dolgormaa¹⁹, a no-nonsense environmental scientist with special expertise on toxic substances, spearheaded one of these in her capacity as head of *World Wildlife Foundation—Mongolia's* unit on pollution and environmental protection.

Stopping mining companies polluting

WWF and its partners tackled the twin-problems of environmental damage from illegal mining operations and the corruption associated with the rapid expansion of mining in Mongolia.²⁰ Key provisions of the new mining law relating to the issuing of mining licenses and the proper disposal of toxic effluents were not being enforced due to bribery and the local communities' ignorance of the law on environmental standards. Thus, contamination of soil, ground water and river system by illegal cyanide discharge was more the rule than the

¹⁸ *Resolution of Conflict of Interest in Mongolia, 2011*

¹⁹ Dr Dolgormaa Lodoisambuu is the director of Environmental Impact Assessment Consulting and head of Environmental Health Center, a local NGO. As state inspector for environmental health, she drafted key environmental laws, standards, guidelines, and programs.

²⁰ *Public Monitoring of Corruption in Mongolia's Mining Sector*, World Wildlife Foundation-Mongolia Programme Office, 2007

exception. WWF, with support from PTF, decided to pilot a community-based approach to addressing these problems in three provinces. WWF worked with existing local grassroots environmental movements²¹ in the pilot provinces, to put into practice a successful approach which may be replicated in other provinces across Mongolia.

Their approach was to empower the local communities through training to build advocacy skills and a knowledge of their rights. They also learnt about the obligations of the mining companies, and the responsibilities of local government and the technical authorities as set out in the Mineral Resources Law and the Anti-Corruption Law, both enacted in 2006. They used documentary videos to bring home the key points. But most useful of all to the communities were tools supplied by WWF: a methodology for community-based public monitoring of mining activities and the implementation of the laws, and a guidebook on how local communities could conduct effective negotiations with local authorities and mining companies to enforce the new laws in their areas.²²

The communities' representatives confronted the mining companies that were bribing local officials to get away with breaking the law. They exposed how the companies ignored environmental standards. They carefully document violations and report them to the provincial governor, the locally elected councilor, and the technical agencies, demanding redress (typically, the cancellation of the mining license). These petitions led to agreements between the communities and the local authorities, technical agencies, mining companies, to work closely to ensure compliance with environmental standards and the new laws. Community representatives were included on the inspection and monitoring committee of the province. They gradually gained experience in exercising their new powers within the pilot provinces, even as the approach was being replicated in mining areas elsewhere in Mongolia. Over the four years since it was launched in 2006, the initiative has demonstrated its sustainability and its potential for replication. Nine other provinces have since adopted the same successful approach to policing violations of environmental laws.

Curbing local government corruption

PTF also supported another province-based project, this time implemented by *Globe International*²³, which helped local communities to demand corruption-free delivery of local government services.²⁴ Behind this initiative was another woman activist, Khaskhuu Naranjargal, a courageous journalist, who heads *Globe International Mongolia*, a CSO founded in 1999 to “sustain democracy and civil society, and spread the power of information and knowledge”. She is a well-known campaigner for press freedom and the independence of the media from all forms of censorship and control, whether of government or private vested interest. She brings passion to her advocacy for the right to information for citizens and the media and has been a prominent member of the official working committee on drafting and promoting the Freedom of Information legislation.

²¹ All represented by women

²² Based on discussion with Dr. G. Urantsooj, Executive Director of the Center for Human Rights and Development, another WWF-Mongolia partner and mostly responsible for transforming the legalese of the laws into manuals and guidebooks in language friendly to villagers.

²³ *Globe International* is an association of parliamentarians whose mission is to create a critical mass of legislators to advance common legislative responses to the major global sustainable development challenges. See <http://www.globeinternational.org>

²⁴ *Transparency Campaigning at Local Government to Curb Corruption*, 2010.

The project used the legal framework provided by parliament to bring the concept of transparent governance and citizens' right to information to the local level. Resolution 143 passed by the Great Khural in May 2009 established *transparency indicators* by which state and local administrators are required to disclose to the public certain categories of information on request, and to report compliance to the Independent Authority Against Corruption.²⁵ By working with grassroots organizations and small communities, Globe International built up demand for the implementation of Resolution 143. The project successfully raised the awareness of local citizens and local officials about transparency and corruption and improved citizens' access to information held by local public organizations. Moreover, it made villagers more interested in the affairs of their local governments and it built their capacity to monitor local authorities. While the project laid the foundations for increased citizen participation, given its limited duration and budget, the project was only able to build the capacity of a limited number of citizens at the district level. This draws attention to the critical need for donors to continue to support such initiatives until they are thoroughly grounded—a theme I shall return to.

Although the project gave no explicit attention to political factors at play, those involved were only too well aware of, for example, the close personal ties between certain individuals and district officials. Better political analysis could have led, for example, to placing less reliance on the district governor in selecting who would participate in the project. Again this is a general theme running across almost all PTF-supported projects—a good political analysis is valuable in guiding project design. The project was handicapped, too, by the limited computer knowledge of stakeholders and the restricted access to the internet in the countryside. Because there was almost no one at the district level skilled in information technology, the project had to train the district governors to manage and update the district websites. Despite these challenges, an independent assessment saw the project as a successful model for other local councils to replicate; by the end of 2011 the approach was being followed in other districts within the two pilot provinces. Although impressive, none of these initiatives would have much lasting impact if the anti-corruption enforcement system at the center remained weak and corrupt. For this reason, PTF also supported a critically important project at the heart of this enforcement system: one aimed at raising the integrity of the judiciary.²⁶

Making judges honest

Survey after survey in Mongolia has confirmed the public's perception of widespread corruption in the judicial system, placing it among the least trusted of public institutions. This has inspired another civil society initiative, this time by the *Mongolian chapter of Transparency International*. TI-M decided to launch a training program for all judges on corruption, a subject that had been neglected by donor agencies supporting the rebuilding of Mongolia's judicial system alongside the country's transition to democracy.

The training dealt first with corruption in public procurement, a matter that could not be more urgent for a country rapidly shifting from state procurement to open competitive bidding at the time of enormous growth in mining-led infrastructure development and government contracting. The executive secretary of the General Council of the Courts underscored its value to the court and judicial reform, thus: "the training was the first time the

²⁵ Resolution 143 (entitled *Approval of Transparency Indicators*), 2009.

²⁶ *Training on Preventing Corruption in Public Procurement and the Judicial System*, 2008

judges would learn about the forms of corruption in public procurement and the types of judicial acts that would constitute corruption based on international standards”.²⁷ Discussion with court officials indicated that, prior to this training, judges at all levels lacked a basic understanding of the technical processes in public procurement, much less the experience and skills to identify corrupt practices in the process.

The other part of the training, addressing corruption in the judicial system itself, was particularly sensitive, needing to be handled with authority and discretion. So TI-M decided that training should be given by highly respected judges from the Capital City Courts who themselves translated the training materials into Mongolian, resulting in presentations that were more acceptable to the judges who participated than would have been the case if TI-M had itself taken on this task. TI-M organized this training at city centers across the country to be as close to the judges as possible. It covered all judges from all courts from all provinces, over 400 of them, using common learning and reference materials²⁸ that introduced the judges to international standards and provided concrete examples of good judicial practices for dealing with different types of corruption. The trainers covered some 26,500 kilometers traveling from one training session to another around the country.

Building on the achievements of this project, and with continued PTF support, TI-M next embarked on a project²⁹ to put in place a robust Judicial Code of Ethics in Mongolia. Two previous attempts by the General Council of the Courts to promulgate such a code had not been accepted by either the legal profession or civil society groups which criticized it as being weak and failing to conform to international standards.³⁰ Learning from this debacle, the TI-M drafted a Judicial Code of Ethics that reflected the United Nations’ Bangalore Principles of Judicial Conduct and took account of recommendations from the associations of judges, as well as key members of civil society. In February 2010, the proposed code was approved by the Council of Chief Judges³¹. Court officials considered this a significant milestone in reforming Mongolia’s judicial system.

Enforcement of the code was the next challenge. The Bangalore principles depend on independent institutions to help enforce ethical standards. TI-M wanted the Mongolian Association of Judges to perform this role and hence helped transform a half-functioning organization into a fully operational association independent of the Supreme Court. The By-laws and Operating Rules of the Association were amended to qualify as a not-for-profit non-governmental organization. TI-M gave it funds to participate in the 52nd International Association of Judges Conference in Morocco as a preparatory step in the association’s application for full membership. As a precursor to its future role in enforcing the code, the association was given the role of arranging for provincial judges to participate in drafting and approving the code—a task performed with commendable efficiency.

²⁷ Based on a discussion with N. Ganbayar, executive secretary of the GCC, September 2010. The GCC, headed by the chief justice of the Supreme Court, was one of the project partners of TI-M; the other was the Capital City Administrative Court.

²⁸ Mongolian translation of TI’s Global Corruption Report 2007 (GCR 2007), Part1: *Corruption in the Judicial System*, and TI’s Handbook on Public Procurement.

²⁹ *Improvement of the Judicial Code of Ethics and Training of Lecturers of 18 law Schools*, 2009.

³⁰ A code of ethics was promulgated in 1997 by the General Council of the Courts (GCC), but was criticized as ‘inadequate’ by concerned CSOs. A replacement the code prepared by the USAID Judicial Reform Project in 2003 was similarly found ‘weak’. The clamor was for a code that was harmonized with the UN Bangalore Principles of Judicial Conduct. The GCC, banking on its successful partnership with the TI-M in the previous project, then commissioned TI-M to also undertake the harmonization process.

³¹ The ‘Council of Chief Judges’ consists of the chief judges of the 18 province courts, plus the chief judge of the City Court of Ulanbaatar.

Another step to building strong compliance with the code was an agreement between TI-M and 14 of Mongolia's law schools headed by the country's premier National University of Mongolia's School of Law. The agreement provided for the teaching of judicial ethics, both concept and practice, using the Judicial Code of Ethics and ethics-related training materials similar to those handed out to judges³².

That TI-M was able to undertake far-reaching anti-corruption initiatives within the judicial system of Mongolia is partly explained by the enterprise and leadership of Sukhburen Dugersuren, TI-M's Executive Director. Sukhee, as she is widely known, is a woman gifted



with uncommon zeal and an engaging 'can-do' attitude that she may have inherited from her great grandfather, the national hero Damdiny Sukhbaatar, who is said to have led more than 142 victorious battles against the Chinese army during Mongolia's war of independence in the 1920s. She had her own brush with danger during Mongolia's democratic revolution in the 1990s. The situation of the hunger strikers on the main Sukhbaatar Square (named to honor the national hero) had become extremely tense, with reports of government impending use of force against the demonstrators. "I remember that morning clearly, my husband asked

Sukhee where I was going; I told him I was joining the demonstrators, and was ready to die if that was the price I had to pay. When I came to the square with provisions to feed the hunger strikers, I saw the crowd give space to General Garamjil, then Head of Police, followed by six tall young men all dressed in black leather. I collected all the courage I had in me and walked towards this general and said: 'General Garamjil, I hope you are not going to shoot us. I assume you are here to protect us, because we are the people'. I must have looked desperate, as he just smiled and without saying a word he passed by me to meet the hunger strikers. All my life I will be proud to have been a small part to this peaceful revolution which led to the fall of the ruling pro-communist party."³³ In 2007 Sukhee was invited to head TI-M.

Reinforcing Mongolia's Anti-Corruption Institutions

Like TI-M, *Globe International* was also active in strengthening the institutional capacity of Mongolia's integrity system, focusing on the Independent Authority Against Corruption. In a previous study for the authority, GI brought to the fore the critical gap in the implementation of the National Anti-Corruption Program—namely, the lack of public awareness and meaningful public participation in anti-corruption activities. Resolving this fell squarely to the Public Council created by the Anti-Corruption Law of 2006. It was the council's job to mobilize public support for the authority's anti-corruption campaigns. However, the council was little known to the public and was organizationally weak; it also had no institutional relationship with its constituent CSO community.

In 2008 Globe International, with PTF support, started working with the authority to make the council more effective, turning to an international lawyer, Aiga Grisane from TI-Latvia, for help. Aiga had undertaken a twelve country comparative study which identified

³² TI-M donated copies of the training materials (such as, Transparency International's handbooks on Corruption in Judicial System, Country Reports, and Public Procurement) to the Library of all participating law schools. TI-M would periodically monitor compliance of law schools with the agreement by checking on the usage of the donated reference materials.

³³ Private communication

the key factors that made anti-corruption agencies effective. Her report³⁴ provided the basis for recommendations for new working rules for the council and for ways to strengthen the council under the Anti-Corruption Law. These were endorsed by a multi-stakeholders' workshop in April 2009. They closely followed the Hong Kong model, with its powerful independent advisory committees composed of civil society representatives with authority to monitor, oversee, advise and even veto actions/decisions of the anti-corruption agency.

The new president, elected in 2009 on an anti-corruption platform, acted quickly to approve the new working rules, transforming the Public Council from a 'support body' to being an 'advisory body' to the Authority. It mandated the Council's access to the Authority's operations and investigation reports, as well a share in its budget. The other recommendations amending the anti-corruption laws were subsequently included in new legislation.

Globe International's success in strengthening the Public Council brought its own problem. The measure that most empowered the council - the new Working Rules – also became the source of public discord between the authority and the council. The feud was exacerbated when the president, in a move to toughen his anti-corruption campaign, replaced all 15 Council members. In short order, the new council went after the top leadership of the authority, succeeding in putting the chairman and vice-chairman into prison for abuse of power and misuse of funds. With a change in leadership, the Independent Authority and the Public Council are expected to work more harmoniously.

Assessing impact

Between 2001 and 2012 PTF supported nine projects in Mongolia, each involving grants of less than US\$30,000. All were in strategic areas and responded to fundamental gaps in the anti-corruption governance architecture. Their impact was remarkable in strengthening the country's integrity system. They showed dramatically how effective citizens could be in promoting more honest government.

The Zorig Foundation projects were pace-setting in raising public awareness of corruption issues and demonstrating what the Mongolian media could achieve in campaigning for more honest government. The media competition it organized produced a wealth of published and broadcast material that alerted the public to the damage caused by corruption, helped create advocacy campaigns, and galvanized public pressure for action and reform. The weeks of intensive anti-corruption media campaigning launched by Zorig contributed in a major way to the Great Khural finally promulgating the long delayed National Anti-Corruption Program in 2002. Zorig's subsequent evaluation of the implementation of the program provided the first comprehensive picture of how it was being translated into action by various levels of the bureaucracy and how the public viewed its impact. The conclusion could not be clearer—the program was ineffective across many levels of government. Poll results confirmed this: the public was dissatisfied with the government's anti-corruption program, had lost confidence in the Great Khural's ability to oversee the program, and instead preferred an independent institution with special powers to do the job. With public pressure building up again, in 2006 the Great Khural enacted a new anti-corruption law that established an Independent Authority Against Corruption. These initial reforms have since

³⁴ Aiga Grisane, *Comparative Research: Public Councils or similar Bodies for Cooperation with Society of Anti-Corruption Institutions*

been reinforced continually with additional anti-corruption initiatives in different strategic areas.

The two projects undertaken by Women in Social Progress addressed a critical gap in Mongolia's anti-corruption legislation—the absence of a conflict of interest law. This lacuna had allowed space for big-ticket corruption that by comparison dwarfed 'retail' bribe taking, which up to then had been the predominant concern of civil society's anti-corruption efforts. Women in Social Progress provided research and expertise needed to ensure that the proposed law conformed to global best practices, as well as taking account of local conditions and local views expressed during public hearings. The new law was passed by the Great Khural remarkably quickly, in large part due to the lobbying efforts of Women in Social Progress, which employed a combination of traditional and non-conventional methods. These included filing a case before the court to enjoin the Great Khural to act expeditiously on the pending law in fulfillment of Mongolia's obligations under the United Nations Convention Against Corruption to which it was a signatory. The law was enacted by the Great Khural in January 2012. This was the first challenge. The next was to ensure that the new law was properly enforced and not frustrated by judicial corruption, an issue taken on by Transparency International-Mongolia.

TI-Mongolia approached judicial corruption from two sides—one technical and the other behavioral. Through training, the judges learned for the very first time about the various forms of corrupt procurement practices and how procurement issues could be evaluated and decided with the use of international standards and good practices. They also learned about various forms of judicial actions and omissions that, by international standards, are considered to be corrupt practices. As Judge Tsogt, senior judge-lecturer, explained: "training provided our judges with a common understanding of what corruption is derived from the experiences of 67 countries worldwide".³⁵ The manuals are now serving as ready references for studying past cases or explain how specific corruption issues should be appraised and decided using international standards.

The promulgation of the Judicial Code of Ethics tackled the behavioral aspects of judicial corruption. The code, and its enforcement by the newly reformed Mongolian Association of Judges, was a major step forward in enhancing the integrity of the judiciary. To consolidate this momentum for reform, the legal adviser to the president organized a working committee to draft a law to enshrine the independence of the association, provide it with the legal authority to enforce the code, and protect the individual rights and independence of judges. The executive director of TI-M was made a member of the committee. Post-project organizational reforms of the association continued, starting with the adoption in May 2011 of the new working rules, Regulation of Mongolian Judges' Association, which the project helped formulate, the election of a new (and younger) Chair of the managing board, and accreditation with the International Association of Judges. The Mongolian Association of Judges also now publishes a quarterly magazine, *Barometer of Justice*, which regularly features articles on combating corruption in the judiciary.³⁶

Officials of the court have described the training as an "investment in the intellectual development" of the courts, and the Judicial Code of Ethics as a "milestone in the judicial

³⁵ From an interview with Ts. Tsogt by Eagle TV Broadcasting Network. Judge Tsogt has since then been promoted to Chief Judge of the Administrative Cases Appellate Court.

³⁶ PTF provided a grant of US\$1,200 to support the publication of the magazine.

history” of Mongolia.³⁷ But it is too early perhaps to claim definitively that these initiatives have reduced corruption, though initial indications are positive. The legal adviser to the president has reported a significant improvement in the ethical conduct of judges, attributing this change to the code of ethics: “it provided the definition and parameters of ethical conduct for judges; it clarified the grounds on which judges would be disciplined, and because of this, judges now know what is right and wrong”.³⁸ This claim is supported by Judicial Disciplinary Committee data which shows a downward trend in the key indicators after the training and promulgation of the code: less bribery cases, fewer disciplinary cases filed against judges, and a lower number of judges disciplined.³⁹ From 2003 to 2009, before the code of ethics was established, the average number of disciplinary cases filed within a six months period was 63 cases; for the first six months after the code of ethics was adopted in 2010, that number was down to 55 cases, or an immediate reduction of 15 percent. But it is too early to say whether this trend can be sustained.

Globe International’s main contribution was to raise the high profile and status of the Public Council which was responsible for implementing the 2006 Anti-Corruption Law. The project to empower the council led to its new working rules that transformed the council from being a ‘support body’ to being an ‘advisory and oversight body’ to the Independent Authority Against Corruption. The full impact of this change was evident when the new Council initiated cases—and obtained convictions—against the former Commissioner General and Deputy Commissioner General of the authority for abuse of power and misuse of public funds. With new leadership, the authority has been going after the ‘big fish’, culminating in the public arrest, detention, and the impending trial of the former Mongolian president for corruption.

As a next step in its collaboration with the Independent Authority, Globe International turned its attention to local government. Zorig’s earlier study had found that the provinces were more committed to the implementation of the government’s anti-corruption program than the central government. Started as a pilot in two districts in two provinces, the model is now being replicated in other districts. The longer-term plan is for the Independent Authority to scale-up implementation to other provinces across the country, perhaps with modification to incorporate new lessons from the pilot provinces.

PTF’s evaluation of this initiative concluded that the delivery of public services in the project area had improved.⁴⁰ The project’s impact went beyond the community when Globe International used the public monitoring results to lobby the Great Khural to pass the long-pending freedom of information bill. The bill was finally enacted in June 2011 as the Law on Information Transparency and Freedom of Information and took effect in December 2011.⁴¹

³⁷ Records of interview with G. Ganzorig, Legal Advisor to the President of Mongolia; N. Ganbayar, Executive Secretary, General Council of the Court; D. Batsaikhan, Chair of MAJ and Presiding Judge of Chamber for Criminal Cases, Supreme Court; B. Sarantuya, Chair of the COE Working Committee and Presiding Judge of Chamber for Criminal Cases, Capital City Court of Appeal; D. Enkhbaatar, Head of Secretariat, Capital City Administrative Court, and B. Enkhbaatar, Judiciary Head, Disciplinary Committee, GCC.

³⁸ Record of meeting with Lawyer Gombosuren Ganzorig, Legal Advisor to the President of Mongolia, Great Khural Office, 22 September 2010.

³⁹ The increasing trend in the number of disciplinary cases filed with the JDC between 2003 and 2008—95 cases in 2003, 126 in 2004, 139 in 2005, 110 in 2006, 143 in 2007, and 148 in 2008—took a reverse course starting 2009 (down to only 127 cases) when judges became more conscious of the code of ethics.

⁴⁰ Based on independent project completion assessment conducted by Tirga Theunissen, November 2011.

⁴¹ GI was instrumental in drafting the FOI law and its President, Naranjargal Khaskhuu has been a member of the FOI Great Khural Working Group.

Implementation of *Transparency in Action* continues, benefiting particularly the herders who may now access information on local government services while on the move and, if need be, file complaints about the delivery of these services by means of the internet and by texting using their mobile phones. While this facility is limited by the availability of computers and internet capacity in the districts, both may reasonably be expected to improve over time.

The World Wildlife Fund-Mongolia Program Office was the first to demonstrate the effectiveness of community monitoring of mining grounded on local knowledge of the communities' rights, the legal obligations of mining companies, and the responsibilities of government. It produced immediate results, such as correcting mining licenses that overlapped locally protected areas, and the strict implementation of the requirement for consultation and consent from local government and local communities before the mining authority issued a mining license. Public monitoring was also the driving force of the project whose far-reaching impact is reflected in the replication of the same approach by communities in nine other provinces by end of 2010.⁴² Likewise, the *Framework for Responsible Mining* that was tested in the pilot sites has since been adopted nationwide and promoted by the *Responsible Mining Initiative for Sustainable Development*, a multi-sectoral organization composed of the government, CSO, the mining industry, and academia.

Indeed, in the three years after project support ended, the pilot communities have continued to strengthen. Use of community monitoring and participation agreements have intensified and expanded to areas other than the mining sector. In the Khuvsgul province, for instance, the *Handbook on Local People's Participation*, originally formulated to guide local communities in dealing with mining companies, has also provided guidance to local herders in demanding their rights. Armed with a good knowledge of the relevant laws and of the obligations of government and mining companies, these movements have become ever more vigilant against corrupt practices. In the Salenga province, the Ardyn Elch Movement⁴³ now has representatives on the special committee that allocates and monitors the use of the local funds that mining companies provide to local governments. This has fostered transparency and accountability in a program formerly steeped in corruption. In the political field, the Movement has used government inaction on corruption cases as a rallying point to get two of its members elected to the local Citizens Representative Khural. Using this new-found power, the community had been able also to defeat a district governor who was opposed to its advocacy.

Less visible, but with an equally lasting project impact, is the new environmental impact assessment system of Mongolia which was partly devised to remedy the gaps in the environmental regulations exposed during community field monitoring. The new approach prescribed in a *Guidebook for Conducting Environmental Impact Assessments* adopted in early 2010 benefited from the project experience and documentation provided by Dr. Dolgormaa, who became a member of the technical working committee. Compliance with the guidebook is reportedly higher in the three pilot provinces because of the communities' previous involvement in the World Wildlife Fund project.

The sustainability of the methods the project used to confront mining violations was displayed again in June 2009 in Sukhbaatar province. Responding to reports of violations in the mining operations of a Chinese-Mongolian mining venture, members of the Mongolian

⁴² Based on Post-Assessment Review of WWF Project: Public Monitoring of Corruption in Mongolia's Mining Sector, dated January 2011. References to adoption by The Asia Foundation of "project technologies" were based on discussion with Director Chimed-Ochir Bazarsad of the WWF-Mongolia Programme Office.

⁴³ Based on discussion with Dr. N. Rinchin, President of Ardyn Elch Movement during post-project assessment.

Nature Protection Civil Movement Coalition, headed by B. Bayarmaa (former Team Leader of the Khuvsgul province) traveled to the area to inspect and document the violations and meet with the district governor, head of the Citizen's Representative Khural, senior mining officials and the mine director assigned to the area. The coalition also trained the citizens and members of the local Erdenetsagaan Movement. The meeting agreed on how to deal with the violations, with the mine director welcoming the participation of the coalition: "We want to hear the voices of civil movements and will accept your requirements. We will work together"⁴⁴ he is reported to have proclaimed.

The direct impact of these efforts though significant varied from site to site. For example, in the Khuvsgul province which established a community hotline for reporting corruption, awareness of corruption rose from 40 percent to 60 percent based on a survey of 200 respondents, while incidents of corruption reported on the hotline fell by 40 percent. Elsewhere the impact was less.

Lessons from Mongolia

Mongolia's experience underscores the factors that make for a successful anti-corruption program. Most importantly, these include heightened public awareness and support from the public. This may appear obvious, yet not always adequately taken on board in anti-corruption programming. A valuable lesson learned from the World Wildlife Fund and Globe International projects is that public support is more easily secured when people are aware of their rights and the obligations of those in authority, whether government or corporations.

In many cases the apparent apathy of the public is due in large part to a lack of knowledge of their rights. Once they become aware, people join in demanding action when given the means. Dr. Dolgormaa has expressed this lesson succinctly: "Knowledge to empower and mobilize the community to self-reliant action is vital. Community knowledge of the laws, of their rights, of the obligations of local authorities and the mining companies has given the river movements the means to mobilize the community to negotiate effectively and demand actions. Post-project experiences have illustrated in many ways how individuals and communities, armed with this knowledge, have considered themselves on an equal footing with mining officials and local authorities."

The role of the media is paramount and, with training and greater access to information as a result of the passage of the Freedom to Information Act, should become increasingly effective. In all the projects discussed above, the independent media involvement ranged from coverage of major events (workshops, roundtable discussions, and interview) to dissemination of project information materials and results. The media acted as anti-corruption watchdogs, lobbying and putting public pressure on those in authority to respond to complaints. In this way, they helped the CSOs to make a real difference.

In Mongolia the independent media is one of the country's more trusted institutions. One example of where public perceptions created by the media are serving to discourage actual corruption is in the court system. The Asia Foundation corruption benchmarking study shows that while judges were *perceived* as among the five most corrupt groups of officials, when asked to whom the respondents *actually paid* bribes, the results showed the opposite

⁴⁴ Based on the article *Environmental Coalition Responds To Issues at Mine Sites in Sukhbaatar Province* published in The Asia Foundation's Mongolia Highlight Newsletter (www.mongolianriverresources.mn)

story—judges were among the five lowest bribe takers. This paradox arises because there has been an extremely effective media campaign to stop corruption in the courts.

Mongolia's openness to international standards and willingness to learn from best practice in other countries is helping to accelerate the country's transformation to transparent and accountable governance. The National Anti-Corruption Program has encouraged this—making it a consensus approach of the government and CSOs alike. Manuals, handbooks and other materials embodying these international standards and global best practice are valued highly as they serve to guide the day-to-day actions and decisions of the authorities.

There is another dimension to 'constructive engagement' adopted by the CSOs supported by PTF—the access it gives to policymakers. In most cases, the outputs and policy recommendations of CSO projects are now being taken into account in formal government policy deliberations: for example, in drafting the conflict of interest bill that was enacted by the Great Khural and the presidential directive prescribing the new working rules of the Public Council, and many more have been included in the president's package of legislative proposals sent to the Great Khural. Heads of PTF partner CSOs were routinely appointed to government working committees drafting policies in light of their experience.⁴⁵ This integration of partner CSOs in the policy formulation process is special to Mongolia.

⁴⁵ Zorig Director to the National Anti-Corruption Council; TI-M Executive Director to COE Working Committee and Working Committee on Law on Bar Association; GI President to FOI Working Committee; WSP Chair to COI Working Committee; and WWF-MPO Project Director to EIA Working Committee.

Chapter Five

Uganda's Vigilant Citizens⁴⁶

The long journey to visit an anti-corruption project in a remote village in Manafwa District in Eastern Uganda is revealing. The traffic congestion begins to ease on the outskirts of Kampala. Heading east in the early morning, the industrial smoke of the city gives way to dawn's haze. The *Watatus*—small local buses—jammed with a dozen or so passengers weave in and out of traffic on the two lane thoroughfare, arms poking out of windows with fingers extended to indicate the number of spaces available to passengers waiting beside stagnant irrigation trenches on the side of the road. Further along the landscape opens up. Lush vegetation clings to jagged hills, rolling banana plantations sprawl in valleys and the occasional *duka* or small shop appears beside the road.

At one point, strings of trucks hauling oil have stopped for inspection. These tankers were full at the beginning of their journeys from Dar es Salaam, Mombasa or other points east. They are en route to Rwanda, Burundi and the Congo. There is pressure on governments to monitor the transit of oil as many tankers “lose” up to half of their load on the trip. When stopped, officials with large measuring sticks dip into the hull to inspect the level of oil before sending the drivers on their way.

As vehicles approach the source of the Nile, they come to a police checkpoint, one of many, where officers in blue camouflaged fatigues inspect passenger cars. No one is quite sure why. Sometimes they are thorough; sometimes the car is waved through. Occasionally the officers are not even present at the checkpoint and doze in the shade of a roadside tree. The Uganda Police Force is recognized as one of the most corrupt institutions in the country⁴⁷. It is not uncommon for officers with AK-47s slung loosely around their shoulders to question drivers long enough until the point is made: a bribe must be paid in order to pass.

The sun begins to crest in the eastern sky. It is dusty and dry, the opposite of the sweltering humidity in the western districts. Giant anthills rise out of the savannah. The lack of infrastructure is stark. Eighty-eight percent of Ugandans live outside the cities making government services particularly prone to ‘leakage’ because payments must pass through many hands. Wind and vehicles have swept so much dirt onto the road it is impossible to tell whether or not there is asphalt below, save the massive potholes. At intervals there are clusters of roadside shops, small markets selling produce, mobile phone dealers and the occasional political sign; remnants from the previous month's election. Yoweri Museveni, the country's president since 1986, emerged victorious once again. Far and away the majority of billboards feature him sporting his signature wide-brimmed hat above his National Resistance Movement's (NRM) party symbol. Some signs proclaim simple campaign slogans such as: “Museveni for Education” or “Museveni for Prosperity”. Others go straight to the point: “VOTE MUSEVENI”.

Where the asphalt ends in Tororo district, the grainy red dirt makes for a smoother ride. Rock is extracted from the hills in the district to feed the cement industry. Men pushing bicycles draped with massive banana bunches struggle to point their bikes straight, as they will for miles to come before reaching the nearest market. Mbale, the district headquarters

⁴⁶ Colby Pacheco was the lead author of this chapter.

⁴⁷ <http://www.monitor.co.ug/News/National/-/688334/1260336/-/bhi5siz/-/index.html>

approaches, a small bustling town with chaotic traffic and heavily worn hard-packed dirt streets. There is yet another police checkpoint and another chance to extract money from the long-suffering motorist. Finally, a sharp turn is taken and the car points up into the hills, bouncing up the rural road that has been heavily rutted by the rains. Bumping along for an hour or so, modest huts pass by, each with a small grove of banana trees. We are now entering Manafwa District. There is the occasional tinny sound of a radio emanating from loudspeakers attached to a house here or there. The laughter of dozens of school children in a small schoolhouse can be heard. Its construction took many months due to lack of oversight in procuring the requisite materials.

At last there is a clearing atop one of the hills and in the clearing sits a single room schoolhouse. Inside, something unusual is happening. Local villagers are being taught their rights and responsibilities. An appeal to their civic duty to create a better community for their children is made and the audience appears rapt and willing. The gathering of villagers is actually a two-day workshop run by a civil society organization with the acronym UENO which stands for *Uganda Ethics Network Outreach*. The workshop is the first step in a program to train villagers to monitor the quality of local school construction and education. The program is a result of a grant from PTF, giving UENO the resources for a project to “promote citizen involvement in monitoring classroom construction, school procurement procedures and accountability for school funds and encourage transparency at the grassroots level” in selected schools.

On the first day the training encountered problems. The workshop started late as some villagers had to travel many miles to get there. The first invited speaker from the Department of Education did not help matters when he talked at length, using many terms and concepts that the attendees are hearing for the first time. The ensuing confusion led to a lengthy follow-up session to explain.

Now the discussion often seems to wander off-track. A laundry list of problems pours forth. Manafwa, after all, is a critically under-served district with low levels of literacy, home to 101,289 registered pupils with only 138 schools and 1851 primary teachers. One classroom in Manafwa therefore must serve 128 students, triple the official government target of 40 students per class. Absenteeism is rampant among both teachers and students; for teachers it is a problem of authority and accountability, while student absenteeism is common in many rural communities where poor farmers undervalue education and seek their son or daughter’s assistance on their small plot of land. School infrastructure is shoddy or non-existent in many cases, owing to the leakages in the delivery of building materials and a lack of oversight.

By the time these issues are parsed, themes and concepts explained, more than half a day has passed. But the discussion has yielded some important revelations. Clearly the most startling, and simultaneously empowering discovery for the villagers is the realization that they, ordinary citizens, have authority; that they not only have the right to monitor schools but that it is their entrusted *duty*.

Just before noon on the next day, the single room building is once again full. Remarkably, all have returned. The speaker leads a discussion on ethics. Arms shoot up in the front row when it is time for questions. At the back, attendees feverishly scribble in their notebooks. Questions of legality are raised. One man admits that in the past he had seen much corruption; there are mutterings and nods of recognition. He says that he was intimidated and feared jail or economic reprisals if he had dared to lodge a complaint; again many heads nod. The speaker reassures the man, drawing on a banana tree analogy. “In Uganda,” the speaker says “we see corruption as a broken branch of a mighty tree. If we cut

off that branch, the tree will grow back strongly and resume its health.” There are hearty chuckles and the point is made; the participants are acutely aware of how widely accepted corrupt practices have become.

After an explanation of the importance of timeliness in reporting, the session ends and a lunch of chicken, beans and *matooke* is served while mellow gospel music wafts from the sound system. The afternoon brings sessions on the technical aspects of school monitoring committees; they cover rudimentary bookkeeping, financial management, procurement and administrative communications. The material is passed over quickly, but it seems that most participants grasp the essentials. In any event, the participant handbook, along with monthly site visits from UENO, are planned to foster continued learning and reinforce the training. The workshop wraps up with a strategy for moving forward. Breakout groups brainstorm ‘action points’ such as: working collaboratively, showing exemplary behavior, forming student ‘integrity clubs’ to champion ethical conduct, rolling out what has been taught to all school monitoring committees in Manafwa and scheduling exchange visits between the committees to share lessons learned and capture best practices.



UENO workshop in progress

The final item on the workshop agenda is closing remarks from the district commissioner. It is a big event to have such a senior regional official buy into the aims of an CSO project. This is the type of constructive engagement that PTF believes should be encouraged. The district commissioner is of course late. He arrives dressed in the stereotypical garb of a post-colonial African official—in well-pressed safari suit with his pocketed shirt billowing over his large paunch. He wears polished black shoes and is sporting aviator sunglasses and a flashy gold watch. All rise as he enters and walks smiling to the front podium shaking hands on the way. He is handed a microphone and begins his speech. His tone is loud yet conciliatory, both warming and authoritative. He pauses every few minutes to scan the index card in his left hand before folding them back behind his back and pressing on with his praise for this citizen initiative. As his homily winds down, he strikes a strange chord with the crowd. “Yes, we hear of corruption. We hear of it so often, in Kampala, everywhere. But what is this corruption?” He asks, fully aware, almost daring someone to step forward and speak truth to power. “We hear of corruption, corruption, corruption. But you must tell us what this corruption is.” No one responds. People are too fearful of this official—this representative of authority—to speak up.

Authority scattered and unaccountable

In reality, corruption permeates every level of society in Uganda.⁴⁸ From high-level deal-making to bribes along the daily route to the market; corruption is endemic. The problem is not a secret. Ugandans have lived so long with corruption that many now accept it as a natural part of life. After several coups, the murderous reign of Idi Amin Dada throughout most of the 1970s and a prolonged spat of civil war, the ‘modern era’ of Uganda began in 1986 with the ascent of former rebel leader Yoweri Museveni to the presidency. It was then that citizens

⁴⁸ <http://report.globalintegrity.org/Uganda/2009/timeline>

began to find their voice and the country saw a proliferation of civil society organizations. Within a couple years of Museveni's rise to power, stability appeared to be on the horizon. And with this stability came massive inflows of foreign aid. But Uganda, roughly the size of the UK and with a population of 32 million, has proved a difficult country to govern. Being home to 17 different tribes has led to the coalescing of political parties along ethnic lines. The choice in governing this diverse and disparate population is either coalition politics or, as has been President Museveni's inclination, running an increasingly authoritarian regime.

Just as civil society began to find its footing in the early 1990s, the first waves of restrictions began. First there were curbs placed on media freedom aimed at choking off dissenting journalists and political activists. Then came restrictions on CSOs. Today, Uganda's 8,000 odd non-governmental organizations are subject to re-registration laws that enable the central government to close any group that it may perceive as threatening. Good governance, transparency and anti-corruption groups are thus particularly targeted under the law. Yet, Uganda still has many laws and complaints' mechanisms that target corruption. These should help, but the reality is quite different.

The Ugandan parliament, stacked with members of NRM, Museveni's political party, acts as a rubber stamp for legislation that the president proposes. Laws have been pushed through authorizing any number of oversight bodies such as the Office of the Auditor General and the Inspectorate of Government. There are guidelines for anti-corruption practices, police reforms, regional and district ombudsmen, and even an Anti-Corruption Court. But in practice all are largely ineffective.⁴⁹ Laws and guidelines can disappear into the ether, or become entangled in the ruling party's bureaucracy, or even simply ignored. Adding to these institutional flaws is the fractured political and ethnic nature of Ugandan society. For long village chiefs, district commissioners, sub-county chairmen and other local officials have played important roles not only as voices for their constituents, but in managing decades old systems of political patronage rich with opportunities to siphon off government funds to chosen supporters and relatives.

As the central government seeks to maintain stability and court foreign investment, retaining loyalty becomes increasingly expensive. High-level bureaucrats and politicians have embezzled state funds and development aid money. In 2005 a senior World Bank official anonymously blew the whistle on government purchasing in Uganda. The official claimed that 70 percent of government contracts had not been awarded according to established procurement procedures and that graft and malpractice accounted for total losses of nearly US\$1 billion over a three year period⁵⁰. That same year, the Global Fund to Fight Aids, TB and Malaria suspended payments of US\$150 million to Ugandan programs after finding gross mismanagement of the US\$45 million that had previously been disbursed⁵¹.

In part to meet this challenge, over the past decade or so, Uganda has devolved much of the authority of its central government to the local level. While an optimist might believe that this would encourage greater respect for individual rights and temper old tribal grievances, the pessimist sees an opportunity for more "big men" to dip into the public pot of funds, spreading the already pervasive problem of corruption. In practice, devolved funding has produced mixed results. Like its neighbor to the east, Kenya, devolved government has helped quell simmering ethnic tensions in the aftermath of political violence by reducing the perception of ethnic favoritism. However, the devolution of authority has exacerbated the

⁴⁹ <http://report.globalintegrity.org/Uganda/2009/scorecard>

⁵⁰ <http://report.globalintegrity.org/Uganda/2009/timeline>

⁵¹ <http://www.irinnews.org/Report/85772/UGANDA-Justice-slowly-meted-out-in-Global-Fund-corruption-trials>

problem of corruption. Yet, as toothless as they may be, Uganda does have many laws on the books that not only enable, but in certain instances require, individuals to monitor their local government. Though the majority of Ugandans are unaware of these rights and duties, these constitute a large window of opportunity to press for change and attack corruption. And it is here that there are citizens to support who are ready to rise to the challenge.

Grassroots against corruption

PTF's involvement with Uganda began in 2005 with a small grant to the *Uganda Joint Christian Council*⁵². They asked for support to draw up a plan to strengthen official oversight of funds allocated by the government to primary education. Back in 1997 the Ugandan Government had started the Universal Primary Education Program and in 2007 began offering free secondary school enrollment to all students who passed their primary school exams. The result was a dramatic increase in school attendance. But sadly the government's commitment to expanding education has been undermined by rampant corruption with high teacher absenteeism and the widespread embezzlement of school funds.

UJCC was well equipped to take on the task of fighting corruption in the school system. The project was led by a dynamic young woman, Charlotte Mwesigye, who had a reputation as a tireless opponent of corruption and remains dedicated to that task. UJCC was a member of a coalition of faith-based organizations fighting corruption called Interfaith Based Action for Ethics and Integrity⁵³. As 84 percent of Ugandans are practicing Christians, the UJCC is perceived by the general population as being on the moral high ground. Consequently, it is well placed to communicate a credible anti-corruption message even to citizens who see corruption everywhere and feel impotent to do anything about it.

Charlotte's plan was to investigate why the official inspection and auditing arrangements were ineffective in stopping corruption in the use of public funds to build classrooms, teachers' housing and other school facilities and in the funding of teachers and teaching materials. UJCC focused its efforts on primary schools in one pilot area, Masaka District in the Central Region. The aim was to collect data on the management of school funds and come up with a set of recommendations to correct weaknesses in the system. UJCC also planned to train local people to monitor this system. Rather than seeking to blame and punish those who were known to be corrupt, the preferred approach was to work with the key stakeholders. To this end, UJCC established a Citizens' Forum that included representatives of the Ministry of Education and Sports, the Auditor General, the Inspector General of Government, the Directorate for Ethics and Integrity, in addition to the district government and local churches.

To obtain the information they needed to implement the program, UJCC conducted a baseline survey in the pilot area using a random sample of 67 schools and interviewed those directly involved—local and central government officials, teachers, parents and members of the School Management Committees (SMC). Retired civil servants, teachers and community leaders, some 70 in all, were trained to conduct the survey, to undertake monitoring and to become effective advocates of reform. To give some idea of the thoroughness of this

⁵² UJCC is made up of three mainstream Christian churches: the Roman Catholics, the Orthodox Church and Anglicans.

⁵³ INFOC Uganda promotes values and faith-based advocacy for accountability and transparency in government.

investigation, eight separate questionnaires were developed and 88 percent of the 1800 questionnaires distributed were returned. In addition, UJCC drew information from a number of focus groups.

The survey found ample evidence that the contractors constructing school buildings were cheating. But headmasters who should prevent this happening complained: “We fear for our jobs, since we have no secure mechanism of reporting and no powers to protect ourselves from the wrath of our bosses, so we cannot raise issues”. School management committees were found to be ill-equipped and ineffective in monitoring the flow of funds to the schools as they lacked both information and expertise. At the level of the school, headmasters enjoyed absolute power and were viewed by the SMC members as untouchable. Yet, as one headmaster claimed: “We get the money late and we do not know the formula used”. For unexplained reasons, the district administration claimed a right to retain 15 percent of the funds destined for the schools though UJCC could find no evidence that this was officially sanctioned. In any event, from the data UJCC was given it was evident that only 58 percent of the funds allocated by the central government actually reached the schools. The full list of problems that emerged from the study was daunting.⁵⁴

Using their findings, the UJCC team proposed a monitoring and public accountability strategy that aimed to empower the school management committees and make extensive use of voluntary local monitors. Then they worked with the media to build public awareness of their findings and proposals. At the same time they invited stakeholders to participate in a seminar where they explained and discussed their proposals. The main outcome was a plan to set up citizen monitoring and put a lot of pressure on the officials concerned to make education expenditure more accountable.

UJCC also established sub-county ecumenical monitoring teams composed of people with differing positions and roles at the local community level—head teachers, religious leaders, local council members, educationists, inspectors and representatives of the youth and women’s groups. These looked into issues raised through the citizens’ forum, which helped to achieve buy-in from such a diverse group of stakeholders, and promoted dialogue and inclusiveness. The media reported on these activities at length and, as a result, UJCC found itself fielding many inquiries. Unfortunately there was not much follow-up once the project activities were completed mainly because Charlotte was promoted to take over Interfaith Based Action for Ethics and Integrity and was occupied with other matters.

As a consequence of the weak follow-up, the impact of the project was modest. But in one respect it can be seen as significant in the wider African context. The engagement of a reputable well-established ecumenical church group points to an interesting possibility. Faith-based groups are the best organized and most morally committed part of African civil society and, if they so choose, they could play a decisive role in the fight against corruption.⁵⁵

Three years later PTF took up the same theme again, this time supporting *UENO*, the organization we encountered at the beginning of this chapter. In 2008, PTF awarded UENO a US\$24,000 grant for a pilot project to promote community involvement in strengthening school management in Kampala district. UENO set itself ambitious objectives: to promote transparency and establish community oversight of tendering and procurement for school building and supplies, promote community participation in school affairs, and engage students in stopping corruption. Importantly, UENO secured the support of the Ministry of Education

⁵⁴ <http://ptfund.org/regional-reports/africa/africa-project-reports>

⁵⁵ See Chapter 2 for a discussion of the potential role of faith-based groups.

and Sport, the Directorate for Ethics and Integrity, and local governments in this endeavor. These assisted UENO in identifying five primary and five secondary schools that were receiving government funding for new construction which UENO could monitor to test out their ideas.

As it turned out, the project proved overly ambitious. UENO’s capacity was stretched to breaking point; its tasks included conducting a survey to identify gaps in the procurement process, developing a tool for community procurement monitoring, training students, teachers and other staff in procurement monitoring, and producing radio programs and 3000 handouts on citizen monitoring. UENO did not manage to do all this successfully, but the project unearthed the underlying causes of corruption and identified obstacles to reform. It also greatly raised awareness of procurement problems among all those involved. The project showed that students are useful extra eyes watching what is going on and it is good for them to be made aware of the damage caused by corruption, but there are clear limits to what school students can do to monitor corruption.

Setting up Ethics and Integrity Clubs within the target schools proved a success and was quite revealing. Like children that are victims of abuse who are asked to draw what they have seen or feel, the ethics and integrity clubs put on skits for their fellow classmates, younger students and community members. These were 10 to 12-year-olds acting out examples of corruption they or their families had experienced directly. One skit satirized corruption in the health sector. Female students with their shirts stuffed, feigning pregnancy would come to a boy posing as a doctor who had siphoned off the valuable life-saving drugs and could not provide any to the pregnant women. One by one they would drop to the floor pretending to be dead. In another skit a boy with a pillow shoved under his shirt to represent a fat belly portrayed a “big man” coming to various local businesses operated by his fellow tribesman to solicit a bribe. Finally, a pupil was cast as a contractor, extorting bribes during the building of a school. The skit culminated with the villagers banding together to chase him down and beat him senseless.

These were scenes of corruption’s effects on society. From an early age, children learn the reality of everyday corruption. Many of their parents have accepted it as a fact of life and learned to live with it. UENO has been smart in fostering ethics and integrity clubs at local schools as these promote the honesty and character building of children at an impressionable age. UENO’s clubs could serve as a model for a nationwide program working with local groups similar to boy and girl scouts’ troops, helping young people to find their voice while instilling ethical values.



A boy playing the role of “big man”



Students performing at UENO ethics club

UENO learned lessons from the pilot project which were invaluable when they embarked on a larger new program in the following year⁵⁶. This included the training workshop in Manafwa district described at the beginning of the chapter. In particular, they tailored the scope of the activities to match their capacity better. Narrowing the program to fewer core activities much increased the chances of greater project effectiveness. Additionally, they relied less on primary school children to record and document incidences of corruption as part of the monitoring. PTF was able to help them review their approach and help strengthen project design.

This time UENO focused on ways to enhance the effectiveness of school management committees. The underlying challenges were similar to those throughout the Uganda school system: low public awareness of procurement laws and procedures, poor record keeping, influence peddling, limited public participation, unscrupulous contractors and lack of transparency, all of which led to widespread corruption and poor school performance. Perhaps surprisingly, UENO reported that their initiative—the first of its kind in Uganda—as received with enthusiasm by the local school administrators and the district authorities who lent it their strong support. We shall see why.

The project helped to train and put in place new school management committees. These conducted monthly meetings at the schools, identified issues of concern and forwarded reports to the local authorities. Drawing on these, the Manafwa district education office came up with a new local education ordinance aimed at improving the running of the schools. UENO reported that the committees were playing an active role in holding service providers accountable. For example, contractors were stopped while district authorities investigated allegations of wrong-doing. Questionable procurement was exposed even when top district officials were involved. Parents at one school declined the handover of a classroom block because of faulty work, while at another, the contractor was ordered to redo the building after the district engineer had declared it sub-standard.



Monitoring school construction

Another remarkable outcome has been the participation of district officers who are faced with the concerns raised by the committees even though the officials themselves may have been involved in corruption. They agreed to take part because at no time were any individual officials directly targeted. The project provided an opportunity for local communities to inform both officials and the media of the failures in school administration. Perhaps because the approach has been constructive rather than punitive, the project appears to have deepened the collaboration between the district leaders and the community rather than caused a rift. The training and radio programs have been an eye opener not only for the new school management committees but also for the general public who have come to appreciate the value of community participation in making the allocation and management of public funds more transparent and accountable.

⁵⁶ See Project Completion Assessment at <http://ptfund.org/regional-reports/africa/africa-project-reports>

The power of community radio

Another area of PTF engagement in rural Uganda has been to support the use of the media to expose corruption. The idea that media can play a major role in social change is not new. Nor is it a revelation that effective communication is essential to any public campaign. The degree of press freedom and the independence of media outlets are critical indicators of a government's openness. The Ugandan authorities' desire to control political activities is well reflected by their on-again-off-again repression of the media. Many journalists work under the threat of violence. Some are intimidated for criticizing the government while others are brought in for semi-formal interrogations. In the most severe cases, journalists are reported to have been beaten or tortured⁵⁷. But despite these problems, the media remains vibrant with over 160 licensed media companies providing print, television and, most popularly, radio broadcasts to even the most remote corners of the country

In 2006, PTF agreed to support a series of weekly interactive radio broadcasts to raise awareness and inform citizens how to prevent and avoid daily exposure to corruption. The proposal came from the *National Foundation for Democracy and Human Rights*, a civic group in the southwestern district of Kabale with skills in radio broadcasting and a mission to promote and strengthen democracy and good governance. It was started by a group of young people in 2000 led by an inspiring young graduate, Orishaba Bagamuhunda Justus, who has gained a reputation in Uganda as an outspoken critic of corruption.



Nafodu Freedom Radio

Picture this scene in south-west Uganda. After business has closed for the day, dinner finished and the blanket of darkness has fallen over the countryside, people gather round to listen to the Voice of Kigezi, a radio station that broadcast PDS's *Gwanisa oburi bwenguzi* ('Fight Corruption') program. This weekly program was the first of its kind in Uganda—not the numbing official propaganda heard on government-run radio, but rather a message of empowerment, a call to action, an invigorating discussion of civic rights and duties coming from civil society itself. Before NAFODU's broadcasts began, local people's awareness of the formal political process was scant, as was their understanding of corruption's stifling effect on economic and social development. NAFODU's radio programs hammered home a simple core message: corruption deeply scars ordinary peoples' lives.

The one-hour evening broadcasts included news of recent corruption cases and steps being taken to counter corruption, documentaries on "our role in the fight against corruption", interviews with public figures on what to do about corruption, and lastly a call-in session when a particular question was posed each week related to what had been reported, discussed or explained. Prizes were provided to callers that could accurately identify correct practices.

After 48 programs, NAFODU was able to document a stark change in the awareness and attitudes of its audience. By the completion of the project after one year, over 60 percent of listeners could list more than three acts of corruption punishable under the government's anti-corruption guidelines. This marked a large jump from the situation at the start when most of those polled saw corruption only through the lens of petty bribery.

NAFODU's radio broadcasts had sent reports and opinions on corruption tumbling out of stereo speakers in people's homes and roadside stalls and attached to trees or shacks along

⁵⁷ Ibid.

dirt roads in even the remotest areas. However, it was all well and good to tell citizens of their rights and highlight the ills that corruption had wrought on the community, but something was missing. Though their inspired effort at public education had been largely successful, NAFODU quickly came to realize that a radio program alone is not sufficient to stop corruption. They recognized it was also important to establish a network of trained volunteer monitors to check what was going on and, in addition, to persuade key public officials to respond publicly. Citizens would be less hesitant to fight corruption if they were working alongside officials rather than risk pointing fingers at them. So NAFODU persuaded PTF to support a second project—this time to broaden and deepen their information campaigns, while also focusing on identifying tangible solutions to the corruption problems that people were calling in about.

As time went on, NAFODU expanded and entrenched their network of citizen monitors, volunteers, and village heads; equipping them with the proper training and information not only to inform others but also to monitor government programs and thereby help make elected officials more accountable to their constituents and hopefully to galvanize the responsible officials to start putting matters right.

The radio programs encouraged citizens to step forward if they had been a victim of corruption. But this was risky in Southwest Uganda, known for being a political hotbed. Long-time opposition figure, Kizza Besigye, who challenged Yoweri Museveni in the presidential elections of 2001, 2006 and 2011, comes from the region. Ordinary people speaking out against corruption is a relatively new phenomenon, particularly in a country where citizens have come to regard the problem as the price of doing their daily business. To counteract this inertia, NAFODU organized five multi-day community meetings for individuals to come and tell their stories of how they were affected by corruption. This proved popular. Those that came forward were interviewed by NAFODU staff who then aggregated and sorted the information. By the project's end, after NAFODU had conducted many workshops for volunteers and held community meetings to sensitize the local population. They had trained 123 monitors and recruited a further 137 volunteers who stood ready to expand the program. NAFODU continued to grow steadily due to its wise approach that stayed close to its core mission. Realizing that the radio station they were using, Radio Kigezi, did not reach all the target communities in the region, particularly where there were two different languages spoken, they decided to broadcast on two additional local stations—Radio Rukungiri and Radio Andole—to further spread their anti-corruption messages.

Working with the police

In July 2009, NAFODU launched a new initiative to tackle corruption within the local police force in south-west Uganda. Since the political opposition is active in this region, citizens there see the local police as part of the long arm of President Museveni's NRM and resist police extortion. There are even reports that groups of citizens, angry at being harassed by the police for bribes, would literally chase the guilty officer out of their village.

Consistent with their philosophy of constructive engagement with officials, NAFODU reached out to senior local police. Knowing that villagers were furious at their junior officers soliciting bribes, the local police commander agreed that something should be done. NAFODU used its weekly one-hour radio shows described earlier to expose police corruption and reminded the public of the rules supposedly governing police conduct. In the last half hour of the program, the switchboard was constantly lit up by citizens and police officers

calling in to voice opinions and hear explanations. The broadcasts made for lively and entertaining listening, as well as being very informative.

The essence of this initiative was not the radio programs, but rather the painstaking work done directly with the police. With the support of senior officers, NAFODU brought together the local police for ethics training. Officers were taught about citizens' rights as well as police responsibilities—topics that many officers had never received training in before. Additionally, NAFODU conducted an enterprising public information and advocacy campaign and held roundtable strategy sessions with police officials. When the project was wrapped-up at the end of 2010, NAFODU had trained over 400 police officers and had built a strong working relationship with the district and regional police commanders. This was no more than a start. To achieve a lasting impact much more must be done. The police themselves need to ensure that new recruits receive similar training, senior police need to lead by example and citizens' organizations need to continue to expose police abuses and misbehavior. NAFODU has shown the way forward.

Supporting grassroots activists

As the ink was still drying on the signatures on the second NAFODU grant agreement, PTF received a project proposal from Transparency International's Uganda chapter. *TI-Uganda* had been officially registered in Uganda in 1995 but had grown slowly. The organization therefore lacked the experience and institutional capacity of some of TI's larger chapters such as TI-Bangladesh. The proposal submitted to PTF was similar in some ways to that of NAFODU: another small civil society organization helping local communities demand greater government accountability. The focus this time was on training Voluntary Accountability Committees to expose corruption in the national poverty eradication action plan in Rakai District on the western shore of Lake Victoria.



Like NAFODU, TI-Uganda used local radio to spark citizens into action. They also put on drama events and skits which were popular with villagers. In parallel they held workshops with key local notables to build support for the work of the voluntary accountability committees. Extra months spent trying to solidify the support of local leaders delayed training and mobilizing the committees, but was crucial. Without the collaboration of local village leaders and community and government officials, the committees would not have had the information needed to monitor the procurement process. The members were teachers, farmers, businessmen or local council members who were nominated by their community and elected to one year terms, with some successfully seeking re-election.

The nuts and bolts of what these members were trained to do would make for a useful handbook for any grassroots activist. Their role was to monitor government projects and services in their villages, to investigate and report corrupt activities to the local authorities (hence the importance of buy-in from local government officials); link their communities with TI-Uganda and public officials; make villagers aware of how they could contribute to fighting corruption; and work to prevent government officials intimidating vulnerable people. All along, the committee members were encouraged to work out solutions to problems with officials rather than be confrontational.

The last task was the tallest order, yet critical to the success of the initiative. The committees' investigations uncovered serious wrong-doing, such as HIV patients not

receiving their anti-retroviral medications or schools built without the proper materials and therefore unsafe. These abuses put lives at risk. But thanks to their meticulousness, the committees were successful in exposing such problems and corruption was reduced. For example, the project publicized how much money the local government had released to communities and how much was actually spent. As a result, the amount of public money that was siphoned off by corrupt officials and contractors was reduced, tenders for projects were selected by merit and there was more open competition among applicants for grants.

The voluntary accountability committees activities have led to greater transparency in the provision of other public services. It has put a stop to local leaders walking off with seeds intended for the poor. Health workers have been discouraged from demanding up-front bribes from patients and the committees have demanded quarterly records of drug disbursements to check that drugs are not being sold on the side. In the education sector, a former sub-county chief was shown to have embezzled two million Uganda Shillings—just over US\$700, but a large sum in a country with a per capita GDP of only US\$460. He was forced to return the bulk, but not all of the money. This example shows that even where there is an active and successful voluntary accountability committee, a degree of impunity remains; the corrupt official still pocketed a chunk of the cash and did not go to jail.

A key issue is that of sustainability. The only funds were those provided by PTF. The grant was fully used up by the end of 2009; while it is encouraging that the voluntary accountability committees are carrying on their work, more funding is needed both to ensure that the initiative is sustained and to expand the program—funding that has proved hard to find.

Tackling the rot at the core

As civil society activities at the grassroots to expose corruption grow, it becomes increasingly urgent for action to be taken to reform governance at the center of government where corruption is rampant and sets a bad example for the rest of the country. It is hard to sustain the integrity of public services at the local level through citizen vigilance when there is systemic corruption in the higher reaches of government. In what ways, then, might citizens campaign to bring about change at the center?

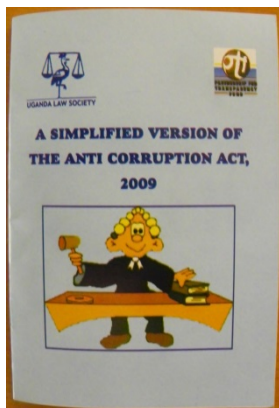
This matter has long been a concern of the *Uganda Law Society*, established in 1956 as the nation's National Bar Association. ULS today has over 1,200 dues-paying members and, being outside the control of the government, sees itself as very much part of civil society with a special mission to uphold the rule of law. Its mandate is to: "Maintain and improve standards of conduct and learning of the legal profession in Uganda; to protect and assist the public in Uganda in all matters touching, ancillary or incidental to the law, and to assist the government and the courts in all matters affecting legislation and the administration of Justice and practice of law in Uganda."⁵⁸ At first glance, this language might suggest that ULS is a toothless body serving principally to support the government of the day. But this is far from the case; ULS has shown it has teeth and has steadily gained traction as an indispensable resource for civil society organizations, lawyers, and the public at large. Fortunately, President Museveni has not so far challenged the lawyers' professional independence.

⁵⁸ <http://www.uls.or.ug/details.php?load=uls&id=37&Uganda%20Law%20Society>

Because ULS has had a seat at the policy level of the central government, it has been able to provide legal advice in the design of government institutions. In 2008 ULS sought PTF support for a project to enhance the capacity of lawyers to promote accountability. The objective was to identify gaps in the country's anti-corruption laws and regulations and suggest solutions for legislative reform. ULS proposed to identify ways in which the legal profession could promote good governance, catalogue and document measures to counter corruption at national, regional and international forums, and monitor the proceedings of a new Anti-Corruption Court to be piloted over a three year period.

Initially, ULS busied itself laying the groundwork, analyzing the country's anti-corruption legislative and policies. They compiled a collection of national and international anti-corruption laws for students and professionals in ULS' swelling yet meticulously organized library at their headquarters in Kampala. At the same time, the ULS office was abuzz with meetings and strategy sessions to provide expert commentary on the government's draft Anti-Corruption and Whistleblowers' Protection Bills; the former was passed in August 2009, while the latter was signed into law at the end of 2008.

Then, from the start of 2009, attention shifted to the Anti-Corruption Court which had just been established as a separate division of the High Court specifically to handle corruption cases. ULS monitored the proceedings of selected cases and after the first 70 days produced a report summarizing their opinions on the progress, achievements, and challenges to the court. In June 2009, a delegation from ULS met with Uganda's chief justice and members of the court to discuss the findings, largely focused on improving the court's efficiency. The meeting was far from an obligatory symbolic gesture. ULS's analysis was carefully weighed and as a result of their insights, the organization was appointed to sit on the court's Users Committee, a position that would ensure that ULS had a seat at the table in shaping the future of the court.



Though the monitoring of the Anti-Corruption Court was ULS's largest activity, it was far from its only activity. As a measure of its substantial capacity, the organization was also able to work simultaneously to create a multi-stakeholder Legal Experts Committee, comprised of individuals from various government entities⁵⁹ and from civil society, represented by the Anti-Corruption Coalition of Uganda. The committee's role was to provide guidance on the government's anti-corruption initiatives and review various reports analyzing court opinions. It has evolved into a think tank, generating policy options for fighting corruption in the country and providing valuable technical assistance to anti-corruption projects throughout Uganda. The committee has given ULS access to senior levels of government and assured the organization of a role in policy discussions.

With so many roots, why does the tree still shake?

These illustrations of citizens joining together to fight corruption are examples of a growing citizens' movement in Uganda to hold public agencies to account. There are many more supported by other funding sources. Every day new ideas emerge. For example, the Anti-Corruption Coalition of Uganda has now turned to exposing the "leakage" of anti-malarial

⁵⁹ The Directorate of Ethics and Integrity, Inspectorate of Government, Director of Public Prosecutions, Ministry of Justice and Constitutional Affairs, Anti-Corruption Court, and the Uganda Police Force.

pills in various health centers in the northern district of Lira⁶⁰ working in collaboration with the Uganda Law Society. This partnership may provide a model for the future. ULS is uniquely well placed to promote citizen activism. In addition to their competency, strong professionalism and reputation for integrity, as we have seen they also have direct buy-in to the central government and are able to help shape various policy debates on tackling corruption. The coalition, too, is a key player with over 60 staff members in its central Kampala office and a large network of grassroots individuals and organizations around the country. These two organizations working hand in hand could well prove to be the conduit for channeling citizen action in demanding better governance across the country.

There are of course a myriad challenges in the fight against corruption in Uganda. There are economic concerns, such as the Uganda shilling's depreciation against the dollar and soaring prices that shrink project budgets. There is also social unrest. There were riots on the streets of Kampala during September 2009 and massive 'walk to work' protests in July 2011 in reaction to the rising costs of petrol and food staples. The continuing crackdown on political dissidents is also becoming increasingly violent. In June 2011, presidential opposition candidate Kizza Besigye, fresh from his February electoral defeat following widespread allegations of vote-rigging, had his car mobbed by an angry crowd widely believed to be the hired thugs of the ruling party, and the following month was shot in the arm by a police officer with a rubber bullet. And to add to this, President Museveni's NRM has been increasingly cracking down on civil society and the press.

There is complementarity between spontaneous street protests against governance abuses, sometimes violent, and the lower profile but critically important constructive engagement of organized civil society with public authorities that is the hallmark of PTF supported initiatives. However, where violent demonstrations lead to repressive government measures, there is a risk that the space for constructive engagement will be curtailed, posing a dilemma to citizen activists in choosing the most effective path to reform.

Uganda's civil society is nothing if not innovative. Organizations, though often small, prove flexible and creative in dealing with the twists and turns of government. Imagine the impact that could be generated if the country's 8,000 or more CSOs all banded together to fight for the same cause, recognizing that corruption damages them all deeply. This will be difficult to achieve, but by demonstrating that progress can be made in even the toughest of conditions, Ugandans raise their hopes for a better future.

In all, PTF funded only eleven projects in Uganda over seven years, a very modest contribution to civil society's campaign against corruption. However, the impact has been remarkable across a wide range of activities. Uganda does not have a long tradition of civic activism, nor does it have many strong and well established CSOs. Yet they have achieved, as we have seen, much with very meager resources—quite enough to demonstrate that with more generous support they are capable of making Uganda a much less corrupt country.

⁶⁰ See Chapter 11 for more details.

Young and Old Fighting Corruption in the Philippines¹

Manang Pura could be anybody's grandmother. Soft-spoken and diminutive, she is the heart and soul of a civil society organization fighting corruption in Abra, one of the most violent and corrupt provinces of the Philippines, hidden in the mountains of northern Luzon. Manang Pura is nowadays fighting to put an end to massive corruption in local water and road projects, but she started long ago, in 1985. At that time, then President Marcos called for 'snap' elections which resulted in citizens all over the country organizing themselves as election watch dogs. After Marcos fled the country, the group in Abra transformed itself into a government watchdog, calling themselves the *Concerned Citizens of Abra for Good Government*. And they have been at it ever since.

Paul Gangoso, in contrast, comes from Oroquieta City in Mindanao. In 1996, then barely out of college, Paul set up *Ecolink* in his hometown. Initially *Ecolink* was just a small group of young people who wanted to serve their community. They were creative and determined to fight corruption. In 2007 they came up with ideas to highlight the misuse of municipal vehicles, mobilizing local citizens as the community's eyes and ears. Building on this success, Paul then came up with a plan to end the corruption in the *Sangguniang Kabataan*, the national youth movement that receives financial support from the government to develop future leaders.

Manang Pura living in the far north of the vast Philippine archipelago and Paul Gangoso in the deep south are the kind of people that PTF has teamed up with to combat widespread corruption in their country.

The setting

The corruption that Manang Pura, Paul Gangoso and others like them are challenging is pervasive and deep-rooted, touching all parts of society. Transparency International's Corruption Perception Index reflects this: out of 178 countries rated by TI in 2010, the Philippines came 134th, placing it among the more corrupt countries in the world. Corruption ranges from the petty kind that all citizens encounter when applying for a permit or paying taxes, or even when simply negotiating the traffic, to large-scale state capture involving the embezzlement of huge sums.

Filipinos widely agree that corruption is eating up the resources needed for the country's development. Officials' abuse of office undermines public confidence in the government's capacity to serve the poor. In survey after survey businessmen mention corruption as the single greatest hurdle for the private sector. This explains the country's anemic investment levels and why so many of its most talented citizens go abroad in search of work². The World Bank estimates that about 20 percent of the national budget is lost to corruption. And corruption is not just found in the public sector. Corrupt practices on the part of private corporations and individuals are reported in the media with depressing frequency.

¹ Geert van der Linden was the lead author of this chapter.

² Around 10 million Filipinos now work overseas.

Despite widespread public concern there is little sign that the level of corruption in the Philippines has diminished much over the past two decades. Serious allegations of corruption were made against the administration of President Gloria Aroyo over the past decade and, in reaction, the incumbent President, Benigno Aquino, ran on a platform '*kung walang corrupt, walang mahirap*' which means 'if there is no corruption, there will be no poverty'. In the first two years of the Aquino regime, the fight against corruption assumed a higher profile than before but whether this will be sustained remains to be seen.

The Philippines enjoys a vibrant civil society with roots in the resistance to Japanese occupation. During the long reign of Ferdinand Marcos (1964 - 86) there was little space for civil society and none at all for advocacy groups. Those that carried on despite the repression sought shelter in universities or among religious groups, or went 'underground'. Eventually these groups played an important role in ending the Marcos dictatorship; the people power revolution of February 1986 marked the beginning of a resurgence of civil society in the country. This was accompanied by efforts on the part of civil society to raise the standards of its work. In 1991 the Caucus of Development NGO Networks (CODE-NGO) was created to promote professionalism and increase the reach and effectiveness of civil society organizations.

The civil society anti-corruption landscape is diverse, ranging from community-based organizations that primarily address local concerns to highly sophisticated service and advocacy groups centered on Manila. These are more politically engaged than CSOs elsewhere and, after Marcos' departure, benefited from a policy environment that has been generally tolerant, if not supportive. A striking feature of Filipino civil society is the large number of networks that link central and local organizations. CODE-NGO, Bishops-Businessmen's Conference (BBC), the Coalition Against Corruption (CAC) and the Transparency and Accountability Network (TAN) are good examples. The networks play several roles: they serve to make smaller, provincial CSOs familiar with social accountability tools, they help with sharing experience about what works and what does not, and donors often use them to channel funds to the smaller CSOs whom they find difficult to access directly.

This anti-corruption work of CSOs received two important impulses. The first came from CSO involvement in monitoring elections, starting in 1986 mentioned earlier. A second, more recent, impulse came through the adoption of the 2003 law on public sector procurement. This law provided the opportunity for civil society observers to attend government procurement meetings. Groups have sprung up around the country to exercise this new right.

Young people take the lead

When PTF started operating in the Philippines in 2003 it found very receptive conditions: a generally supportive policy environment and active CSOs, but still widespread corruption. Local activists were becoming increasingly convinced that if this situation was to be turned around, a new approach was imperative: citizens needed to be mobilized much more than before, the scaling up of successful local initiatives had to be encouraged, best practices from elsewhere should be introduced, and the role of networks strengthened. Yet, initially PTF had trouble finding solid, worthwhile projects. The breakthrough came when PTF was approached by *G-Watch*, a small NGO established by the School of Government of Ateneo University in Manila. G-Watch was led by Dondon Parafina, a dynamic young activist who had made a

name for himself in the Philippine scouting movement. In 2003, PTF agreed to support G-Watch in carrying out a path breaking project called ‘Textbook Count’.³ This tackled three related problems: textbooks were costing too much, they were often badly printed and nearly 40 percent of the books failed to reach the schools.

Dondon and his colleagues decided to mobilize young people to overcome these failures. They trained volunteers to monitor procurement so that printing contracts were truly competitive. Other volunteers were mobilized to make surprise visits to printing plants to



check on the quality of the printing: flipping through each book, page by page, they rejected books with missing or badly printed pages. Finally, Coca Cola Philippines and the national boy and girl scout organizations were brought on board to ensure that the books reached the schools. Coca Cola agreed to deliver the books to even the most remote schools for free and local scouts checked that the books arrived at their intended destinations.

Students checking books

This was a complex operation and several annual rounds were needed to perfect it. The results were impressive: the cost of printing came down, quality problems largely disappeared, and almost all books were accounted for. The gains from preventing corruption and ‘leakage’ during the distribution of the books were conservatively estimated at 22 million pesos (US\$450,000) in the first year, rising to 151 million pesos or US\$3.6 million in the second and subsequent years. Against these gains the costs were modest: six grants from PTF totaling about US\$160,000.



The program has now run for several years without PTF support and is well-established. An important contributing factor has been that G-Watch has evolved a productive relationship with the Department of Education. The department has recognized the important role that civil society can play in improving the integrity and effectiveness of the educational services and had issued a number of departmental orders that institutionalize citizen monitoring of its programs. The results have been impressive: what was once seen as one of the more corrupt government departments is now a department that has high scores in comparison with other departments.



Students tracking textbook distribution

G-Watch itself has evolved as it has learned from the experience. G-Watch has started to broaden its approach in several ways: by monitoring not just textbooks but the full range of educational services, by moving its monitoring work to the local levels, and by monitoring not just corruption but more generally the quality of education services provided at the local level. PTF has backed this process with both grants and technical advice.

³ For an independent account of this project, see Rushda Majeed, Promoting Accountability, Monitoring Services: Textbook Procurement and Delivery, The Philippines, 2002 – 2005 in *Innovations for Successful Societies*, March 2011

G-Watch has brought out the importance of working with young people to make them keenly aware not only that corruption damages people's daily lives and should not be tolerated, but also that they can do something about it. So, Dondon sought PTF support for a Scout Camp—an idea promoted by the Ten Outstanding Boy Scouts of the Philippines Association to which he belonged. They aimed to train scouts as 'crusaders' who would initiate anti-corruption activities in their communities. The camp, held in July 2007, was attended by 51 scouts. Following their training, the 'crusaders' returned to their communities to spread the message with some support from scouts' headquarters which provided guidance materials.

G-Watch was not the only CSO seeking to involve young people in anti-corruption activities. At the start of this chapter we described how Paul Gangoso had created an



organization called *Ecolink* to tackle corruption in the far south of the Philippines. Ecolink started as a small CSO located in Oroquieta City on the north-western coast of Mindanao and in 2006 approached PTF to help them do something about a long-standing problem: the misuse of official vehicles by government officials. Their idea was to mobilize the citizens of Oroquieta to report such abuses: “if you see a government car late at night parked outside a nightclub, just text us the license number and we will do

Monitoring municipal vehicles the rest”. As an example, the movements of one of the city councilors were monitored for one week without him knowing. Ecolink calculated that, if this was a representative week, the councilor would have misappropriated US\$5,000 worth of gasoline during his three-year tenure. Young people were trained to use their mobile phones to photograph officials' wives misusing government vehicles for shopping or taking their children to school and to email the pictures to Ecolink so that they could pass on this information to the local administration which was shamed into taking action. This simple approach proved to be astonishingly successful. In the first Vehicle Monitoring Project there were estimated total savings of US\$45,000, compared with total project cost of US\$21,700. If the project's achievements are sustained these financial benefits will continue indefinitely, while the cost will taper off to a much lower level.

Ecolink introduced several innovative approaches that contributed greatly to the success of this initiative, such as the use made of high school students, a weekly program on local radio and photo journalism. In a second round, approved in 2008, PTF supported the same approach but now in three towns in north-western Mindanao. An independent evaluation showed that this was again highly successful: the savings to the three municipalities came to about US\$215,000. Rather than scaling up this work in a piecemeal approach PTF encouraged Ecolink to develop a framework for a nationwide approach. A PTF grant to support this was approved in 2011, applying the scheme to a much larger number of cities and towns across the country.

PTF also supported another Ecolink project, this time taking on corruption in the *Sangguniang Kabataan* (SK). This is the national youth movement set up to develop future leaders with financial support from the government. Over the years, the use of the SK funds has been marked by widespread corruption, documented in a case study undertaken by Ecolink in January 2008 covering 47 local SK councils in Oroquieta City. Ecolink estimated that US\$15 million annually nationwide was misappropriated. Young people exposed to these malpractices were set a bad example. Ecolink came up with the brilliant idea of using local high school students to put a stop to this corruption by establishing youth-based, youth-led

transparency and accountability mechanisms which they proposed to pilot in the cities of Oroquieta, Dapitan, Iloilo and Pagadian.

This plan appealed to the Department of Education which had for long run a laudable program at high schools called Junior Graft Watch. The department had been unclear what to



do with the young people once they had been motivated to act against corruption. Ecolink now offered them the opportunity to engage in hands-on anti-corruption work, transforming the Junior Graft Watchers into SK Watchers. As a result, Ecolink reported that 75 fraudulent procurements were exposed and cancelled and US\$12,200 of misappropriated funds was recovered. For PTF, this represented a return of US\$6 for every US\$1 invested in the project. However, the more important

Ecolink poster

take responsibility for fighting SK corruption and to be

very effective at it.

There are SK councils all over the Philippines and, after completion of the first project, Ecolink proposed to build on its success. PTF provided new grant to enable Ecolink to scale up the monitoring nationally. The initiative involved young people at the community-level directly in monitoring the performance of SK councils all over the country. Four thousand young Filipinos are being trained and deployed as volunteer monitors equipped with the necessary skills to monitoring all aspects of SK governance and to document and report corruption. The intention is to assure them access to the national agencies responsible for dealing with corruption.

Ecolink’s ability to establish good relations with the Department of Education was important to the success of this initiative. The high school students who became SK watch monitors were eventually given sign-off responsibilities for contracts awarded by an SK chapter—an impressive example of a youth-led initiative to promote transparency and accountability in a government program designed to serve the needs of young people.

Fighting graft in the delivery of services

There are many opportunities for direct citizen action to fight graft in the delivery of services. For example, PTF has assisted a national CSO, *Namfrel*⁴, in monitoring the procurement and delivery of medicines to hospitals and health centers, an area that is particularly prone to corruption. *Namfrel*’s original and primary role is to monitor elections, but it has looked for other ways for its local chapters around the country to campaign for better governance when there are no elections. *Namfrel* identified corrupt drug procurement, irregular delivery and poor stock management practices as key problems. The project mobilized volunteers to achieve improvements in all three areas in selected hospitals and health centers. Based on what it learned during the project, *Namfrel* recommended to the Department of Health various ways to improve its systems. A key factor in the success of this initiative has been *Namfrel*’s ability to forge a close relationship with the Department of Health, which invited *Namfrel* to

⁴ National Citizens’ Movement for Free Elections.

join its Integrity Development Committee reflecting the relationship of trust that has been developed⁵.

Another example of fighting graft in the delivery of public services is PTF's support to the *Concerned Citizens of Abra for Good Government*, Manang Pura's organization mentioned in the opening paragraph of this chapter. An initial PTF grant was made in 2009 for a community-led anti-corruption initiative aimed at preventing and eradicating corruption of public funds in the domestic water supply and irrigation projects in the province of Abra. The extent of this problem was best described by CCAGG studies estimating that corruption in infrastructure projects in Abra would typically amount to about 30 percent of the total worth of the projects.

The project mobilized large numbers of volunteers to monitor water projects, and they reported many instances of irregularities and corruption such as overpriced contracts and poor supervision. This is the experience of one volunteer monitor, Chieko Lun Buenafe:



“Each time we go out, I feel a little bit nervous and afraid. No one can predict the situation. Some rebel groups are just nearby. Before going to the project site, we first pay a courtesy call on the local executive and barangay (local council) officials for them to know that we are coming to monitor projects in their areas. We also introduce ourselves to the direct beneficiaries of the project. We interview them; ask for their observations on project implementation and the performance of the

Monitoring an irrigation project

project contractor, his workers and the supervising engineer of the government. We always tell the people that they should keep an eye on the project during its implementation phase so that its program and specifications will be met. This way, the project will be done well and could last longer. Several projects which we have monitored previously did not meet good standards; that is why their lifespan is short. Of course, we make reports on these findings and submit it to the concerned implementing agencies for their information and guidance.”

CCAGG encountered serious problems in getting government agencies to act on its findings. To push this process forward CCAGG organized a public forum, complete with media coverage, on its monitoring finding with officers of oversight agencies in the region, the governor of Abra, and representatives of municipalities, water districts, and NGOs in attendance. Manang Pura, the tireless 70-year-old leader of CCAGG, was also invited to present the monitoring results to the Regional Development Council and CCAGG sent copies of the monitoring report to the Office of the Ombudsman, the Secretary of the Department of Public Works and Highways and the Secretary of Budget and Management of the Office of the President, with requests for meetings to demand action and resolution on the anomalies discovered.

Building on this experience, PTF has recently supported CCAGG in a project to monitor the government's Conditional Cash Transfer Program in Abra Province. The Philippine CCT program was modeled on successful conditional cash transfer programs in

⁵ This project is discussed further in more detail in Chapter 11.

Brazil and Mexico⁶. The program was designed to reduce the risk of corruption in the flow of funds to poor families. However, it became quickly evident that corruption threatened elsewhere—in the drawing up of beneficiary lists. Here mischief occurred, with families included that are not eligible for the grants and others excluded who should have been on the list. CCAGG’s project focus was on validating the beneficiary list by eliminating those that should not be there and adding the families that should. This is very painstaking work, requiring CCAGG volunteers to visit every village and hamlet in the province and to conduct house-to-house visits to get first-hand information on the condition of each family. At the start CCAGG obtained the agreement of the Department of Social Welfare that it would act promptly on the findings derived from CCAGG’s monitoring; this was crucial for the success of the project.

A project PTF supported in Isabela province, located in the north-eastern part of Luzon, was less successful. There, in 2008, *InciteGov*, an experienced CSO, initiated a project to support the Provincial Governor, Grace Paducah, one of the country’s young reform-minded politicians. The governor wished to strengthen citizens' participation in governance, specifically in improving transparency and accountability in the use of public funds and local service delivery. Each year the provincial government provides funds to many of the over 1,000 *barangays* (villages) for small projects, but the provincial government lacks the



capacity to monitor their use. *InciteGov* trained 70 volunteers and organized them into five monitoring teams, three for infrastructure projects and two for health. The infrastructure teams checked 18 projects representing an investment of US\$285,000, while the health teams monitored what drugs were bought, whether the needed drugs were bought at the right time and at the right price, and how they were distributed. In the process local government personnel became used to community members attending and asking questions during community assembly sessions and a new measure

Checking lists of beneficiaries of transparency was achieved. Unfortunately, this promising initiative was ended when the governor lost office in the elections the following year and no one followed up.

Sharing experience

The growing program of anti-corruption projects in the Philippines has nurtured synergies among different initiatives. One example is public procurement where projects are focused either on a sector (e.g. health, education or agriculture) or on a geographic area (e.g. a province). All public procurement projects follow a similar approach. Volunteers are recruited who are given a basic training in procurement. The volunteers are then expected to attend meetings of the Bids and Awards Committees of the local or national government and to report on any irregularities. These findings are reported to the government agency concerned together with recommendations for corrective actions. The aim of all this is to bring about both systemic and behavioral changes in the public sector that will reduce the risk of

⁶ Conditional cash transfer programs aim to reduce poverty by making welfare programs conditional—the government only transfers cash to those who meet certain criteria such as enrolling children into public schools, getting regular check-ups at the doctor's office, receiving vaccinations, or the like.

corruption in the future. These public procurement projects all face similar challenges: developing training materials, mobilizing, retaining and motivating volunteers, and ensuring that monitors' findings lead to systemic reform.

CSOs sharing their experience and training materials and monitoring tools is of great value in improving outcomes. The mechanism that has evolved in the Philippines, partly in response to PTF projects, is the creation of the Philippine Procurement Network⁷ or P2N as it is known for short. P2N aims to become a consortium of civil society organizations that will support the many existing procurement monitoring efforts around the country by creating a reliable and independent network of procurement observers in each of the Philippines' 80 provinces.

Many of the projects PTF has supported in the Philippines have the potential for replication both in the Philippines and elsewhere. Many, too, have been highly innovative—for example entering into partnerships with both commercial and non-commercial entities, as G-Watch did to ensure full accountability for the delivery of textbooks to schools. Coca Cola was engaged to help with the delivery of books, and the boy scouts and girl guides organizations mobilized volunteers to verify delivery.

Working with a local partner

From the start, PTF saw establishing a partnership with a local organization as indispensable. Such an organization could bring to the work its local knowledge and networks, it could play a major role in identifying projects, and it could also help deal with the growing burden of monitoring projects under implementation and the associated administrative work. PTF was fortunate to find a strong collaborator in the Makati Business Club, a not-for-profit business association organized as a forum dedicated to taking up economic and social policy issues that affect the development of the Philippines. Its membership includes over 800 chief executive officers and senior executives representing some of the largest and most dynamic corporations in the Philippines. MBC is considered to be the most influential business group in the country.

When survey after survey among MBC members highlighted the importance of corruption as a hindrance to doing business, MBC decided to launch a Coalition Against Corruption to channel its efforts in combating corruption. The coalition is an alliance of eleven organizations with regional networks, such as CODE-NGO, Bishops-Businessmen's Conference and the Transparency and Accountability Network. The coalition's focus is on government procurement reform and delivery of public services. Edward Gaucusana spearheads this effort as the program director of the Coalition. One of his key roles is to ensure that networks of civil society organizations are mobilized so that experience is shared and social accountability made more effective.

What has been learned?

What emerges indisputably from evaluations of completed projects supported by PTF in the Philippines is that, under the right conditions, mobilizing citizens can be a highly effective tool in combating corruption. Whether a CSO organizes citizens to monitor the misuse of official vehicles by municipal officials, or takes on the formidable task of tackling malpractice in the procurement and delivery of textbooks to schools or medicines to health facilities,

⁷ P2N was created as a result of a capacity assessment undertaken by MBC-CAC and Procurement Watch Inc. During the assessment lessons learned from PTF-supported procurement monitoring projects were shared.

citizens have been able to play a key role in reducing corrupt practices by exerting a strong demand for better governance.

No one should expect one-off projects to bring about a lasting reduction in corruption on their own. Indeed, the Scout Governance Camp, undertaken in 2007, and Participatory Monitoring in Isabela Province in 2008, for example, almost certainly have not brought about sustainable change. Why? Well, in the latter case, the reform champion was the governor of Isabela Province who, unfortunately for the project, was not re-elected in 2010. And the scout camp was little more than an awareness raising exercise. It was only likely to have had lasting impact if followed by concrete projects that made a dent on corruption. In contrast G-Watch's Textbook Count has demonstrated the massive cumulative impact of repeat grants in support of a multi-year program until self-sustaining momentum was achieved.

Indeed, PTF was concerned to offer continued support to successful CSOs in order to consolidate gains, build on success and encourage scaling up. So it favored repeat grants to partners of proven ability. Three CSOs account for 13 of the 22 projects approved: G-Watch, Ecolink and Namfrel. For each project PTF provided small grants of around US\$25,000 backed by technical advice. It is revealing how much could be achieved with such modest resources.

Skeptics argue that CSOs' anti-corruption activities are mere pin pricks in a system that is vast and unredeemably corrupt. Here again the counter-argument, supported by the Philippines' experience, is that while one modest action may be insignificant, these all set precedents and collectively many such actions will eventually bring down the whole corrupt edifice. The challenge is to build up the effort until a tipping point is reached when a combination of reform, monitoring and sanctions make being corrupt too risky for most officials, at which point corruption will start to decline. The Philippines has not reached this point yet, but there is no reason why it could not.

An important selection criterion for projects in the Philippines has been the potential for replication. However, straightforward replication permits only slow progress. For example, the first Vehicle Monitoring Project covered one city, the second covered three cities and a third project was proposed to cover 20 cities. Set against a total of hundreds of cities around the Philippines progress would have been too slow. Ecolink and PTF therefore entered into an agreement with the Department of Interior and Local Government to scale up the vehicle monitoring initiative much more rapidly and as a result PTF is now funding a project covering 100 municipalities. Similarly, despite its modest name, the SK Watch Exit Project approved in 2011, described earlier, is an attempt to scale up rapidly the good results achieved under the first project. These are two examples of small-scale local initiatives that, it is hoped, that are sparking big changes across the country.

PTF's program in the Philippines is modest. With just 22 projects over eight years and grants totaling less than US\$500,000, expectations as to what can be achieved should also be modest. In practice the results are remarkable and serve to indicate what could be achieved with a larger program. The impact of small-scale interventions has been leveraged to achieve results on a larger scale through a mixture of repeat interventions, and also by using project outcomes to effect policy or systemic changes on a national scale. The aim has been to support pioneering interventions which can later, if successful, be scaled up or replicated in other locations. The basic goal is to demonstrate, especially to a younger generation, that corruption is not inevitable and that at every level it is possible for citizens to challenge and reduce it. This impact—giving hope to people that change is possible—is hard to measure but it may be the most important result of all.

Lessons for the future

The Philippines is a country with a public policy environment that is generally supportive of civil society advocacy. There is a very large number of CSOs active in the country both at the local and national levels. This provides excellent conditions for mobilizing the ‘demand-side’ for good governance. The success of this approach is critically dependent on two factors: a constructive relationship between CSO and government agency, and access to finance for CSOs.

For projects to succeed, the Philippine experience reinforces the argument made earlier that CSOs need to secure the support of champions in the public sector. Happily, the local governance environment makes this possible. However, in some cases asking the government agency that the CSO will be monitoring or investigating to enter into a *prior* agreement with the CSO—which is something PTF has encouraged—is probably unrealistic. Experience has shown that where projects are successful, a productive relationship often only gradually developed between the CSO and its public sector counterpart during project implementation. The undoubted importance of a local champion represents, at the same time, vulnerability, as demonstrated by the Participatory Monitoring Project in Isabela Province, where the reforming governor who championed the project was not re-elected.

Finance is the other major challenge. PTF, of course, has not been the only source of grant support for CSOs fighting corruption, but overall the effort has been modest—far too modest given the stakes involved. At present there are few funding agencies willing to support small CSOs with modest grants and expert technical advice on project design and implementation. One reason is that the cost is too great. This is especially so for smaller CSOs outside the main urban areas. The larger Manila-based CSOs have multiple donors they can turn to, but this is not so in peripheral regions. In addition, funders need to be flexible and un-bureaucratic, and they need to recognize and adapt quickly to the realities on the ground. Insistence on well-written proposals places a great burden on potential grantees where the special skills needed in this regard are in short supply. Nonetheless, small local CSOs often display great skills in navigating around the local administrative potholes.

Donor funding is usually provided for projects and as a result CSOs are forced to ‘live from project to project’, and to frame what is essentially their regular ongoing work program as projects that meet the standards of donor agencies. To overcome this constraint, the Aquino administration, which seems genuine in its wish to mobilize civil society, has proposed an Empowerment Fund to provide CSOs engaged in public sector monitoring with access to regular funding. Difficult issues arise about how to ensure CSO independence if they accept government support, but it is an initiative worth exploring.

During the past few years, PTF and MBC-CAC have become increasingly aware of the importance of an intensive interaction between PTF advisors and the CSOs. Even with a ‘local’ presence it is difficult for overseas advisers to appreciate the facts on the ground. PTF’s experience in the Philippines underlines, too, the value of good networking among CSOs. Regular exchanges have multiple benefits: the less experienced CSOs learn from the more experienced ones, common problems are identified at an early stage, and opportunities to leverage success can be identified. In November 2010 PTF organized a workshop in Manila for all its Philippine grantees and this proved very helpful in sharing experience. It is also valuable if CSOs engaged in anti-corruption work share their experience through press releases, newsletters and websites and PTF encourages this whenever possible.

There can be little doubt that the impact of CSO activism in fighting corruption and campaigning more generally for better governance would be much more effective if CSOs worked closely together in a tight-knit coalition demanding that public agencies be more accountable. Sadly, civil society activities are generally fragmented with some regions and subjects well served, while others are neglected. Closer cooperation is something important to strive for in the future.

By 2012 PTF had worked in the Philippines for eight years and during this period it achieved a significant and growing presence in the country. Valuable lessons were learned that can help shape the role of such support in the years to come. Much remained to be done, but these years of effort demonstrated that a stronger voice from civil society is pivotal in making the Philippines progressively less corrupt.

Part 3

Key Themes

Chapter Seven

To Rule By Law

*“Around here nobody dares carry any cash. There are far too many policemen”
(A resident of Nairobi’s Kibera slum)⁸*

First there must be good laws and then there must be the means to implement them. Without laws there can be no good governance, merely arbitrary rule. Laws express a country’s political, social and economic culture—what the State and its inhabitants may do, and what they must not do. To be sustainable without heavy coercion, the laws must be accepted and supported both by the State and by most people whether they like them or not. This means not just the Constitution and laws enacted by parliament or, in the absence of a parliament, promulgated by the ruler, but also the rules and regulations, administratively imposed yet deriving their authority from a higher level law. A subset of these laws, rules and regulations create the legal framework for honest government. They set out how public finances and the civil service are to be managed and how goods and services are to be procured. In addition, there are laws specifically aimed at ensuring good governance—basic laws prohibiting acts of corruption, extortion and bribery, laws governing political party funding, and laws related to curbing corruption, for example, permitting citizens free access to public information, protecting whistle-blowers from prosecution and victimization, and defining and prohibiting conflicts of interest.

To add to this list, there may be codes of conduct or ethics that govern the behavior of those working in organizations, reflecting a general consensus but imposed by a government agency, corporation or professional body—for example, by the judiciary, civil service, and associations of doctors, chartered accountants, teachers and similar bodies. Ideally, every public organization, as well as every civil society organization would have a code of conduct. And private corporations would have codes for their staff and board members based on accepted good corporate governance practice.

Organizations, public and private, have not always had formal staff codes of conduct or ethics, but these are now widely accepted as good practice. Without such codes, people had often relied on informal ‘understandings’ as to what constituted appropriate ethical behavior, though in practice these rules were often flexibly interpreted and not uniformly applied. More powerful individuals were almost always given greater latitude. So the effort to codify and apply best practice without fear or favor based on clear principles of integrity has been a major advance in curbing abuses.

Civil society, broadly defined, has two roles to play here: the first is to campaign for a legal framework that supports honest, transparent and accountable government and, second, to monitor the implementation of these laws, codes, rules and regulations and press for action when officials act in defiance of them. In short, to stop corruption, citizens individually and collectively must persistently and vigilantly demand respect for the rule of law and practice such behavior themselves. In this chapter we shall see how civil society organizations have been doing just that.

⁸ *Scaling Up Social Accountability in World Bank Operations*, World Bank, May 2009.

While almost all countries have long had statutes on the books making corruption a criminal offence, only recently have the other two key laws—those relating to access to public information and conflict of interest—come to be widely regarded as an essential part of the legal framework to support public integrity. Of these, the right to information or freedom of information is the more critical for achieving honest and transparent governance as it gives people an essential tool for exposing corruption and other forms of official abuse⁹. Two other integrity laws that should form part of any country’s legal system have been promoted by CSOs with PTF support, one to protect whistleblowers and the other to lay down the rules to prevent public officials from succumbing to conflicts of interest.

Curbing political party corruption

Perhaps the most contentious of all the laws that seek to limit corruption are those relating to funding political parties. These go to the heart of a country’s national integrity system in any country with a competitive party system. To gain power and then remain in power, a political party needs funds and the temptation to acquire these funds corruptly, or at least non-transparently, is very great and especially hard to regulate. More need then for there to be robust CSOs, committed to curbing corruption, to keep a sharp eye on the political parties.

*Providus*¹⁰, an independent Latvian policy institute, is an example of a CSO supported by PTF that has played a key role in helping ensure that new legislation incorporated the most effective measures to prevent corruption in the funding of Latvian political parties. In 2005, *Providus* took the lead on behalf of civil society in reviewing a proposed new law relating to such funding and concluded that it needed strengthening to conform to best practice. In light of their evident expertise, and aware of public concern in this matter, Parliament invited *Providus* to participate in the deliberations of the subcommittee responsible for considering the draft law. *Providus* was able to convince parliamentarians to accept new provisions relating to the internal governance of political parties that allowed party members to participate in major party decisions and hold party leaders more accountable. Additionally, *Providus* raised a major unacknowledged problem, namely, the lack of democratic procedures in the selection of party candidates for elections. Our focus here, however, is on matters relating to party finance only.

The most important of *Providus*’ proposals that were incorporated in the final version of the law included measures to:

- Oblige political parties to refrain from any action to circumvent the existing restrictions on party financing;
- Force the political parties to conduct their economic activities in a transparent way and to make their candidate selection procedures transparent;
- Strengthen internal and external financial audit requirements;
- Avoid conflict of interest by prohibiting anyone to be simultaneously a member of a political party managing board and the internal audit committee;
- Establish a clear process for the election of party officers and to limit the term of office to two years; and

⁹ This comment reflects PTF’s field experience. However, there is a lack of solid academic research on the impact of FOI legislation; see Richard Calland and Kristina Bentley, *The Impact and Effectiveness of Accountability and Transparency Initiatives: Freedom of Information*, DFID, 2009.

http://www.dfid.gov.uk/R4D/PDF/Outputs/Mis_SPC/60827_DPRCallandBentley_preprint.pdf

¹⁰ Centre for Public Policy, Latvia.

- Require political parties to establish local branches, so that party members would have an opportunity to participate in party deliberations close to their residence.

Providus also organized a broad discussion of a draft law on electioneering involving not only members of parliament, but also media representatives and various concerned state agencies—the Central Election Commission, National Radio and Television Council and Corruption Prevention and Combating Bureau. Providus sent more than 30 proposals regarding this law to Parliament’s Public Administration and Local Government Committee. In addition, a policy brief was prepared for policymakers on the need to balance editorial independence and citizens' rights to fair and equal elections. The policy brief proposed policy options on the need for the regulations to distinguish between public and private broadcasters and the press. All this adds up to an exemplary consultative process between civil society and parliament in passing new laws to improve the integrity of Latvia’s political system.

Demanding citizens’ right to information

Citizens’ right to access public information is not a new idea. As far back as 1776, Sweden adopted a Freedom of the Press Act that included such a provision. However, others have only recently followed their example. The USA waited two centuries before passing a Freedom of Information Act in 1966, while the UK only did so in 2000. In all, some 85 countries have now enacted similar legislation, still leaving a majority that have not.

One such country is Sierra Leone. Although the country’s Constitution allows for freedom of information, no enabling Act has been promulgated. In 2007, the *Society for Democratic Initiatives* (SDI), a local civil society organization, prepared a draft Freedom of Information (FOI) Bill and subsequently worked with the government’s Law Officer’s Department to format it correctly. In the process, the law officer sought to weaken the bill and much effort was required to reverse his proposed changes. SDI has also been spearheading a ten-year-old public campaign for parliament to enact an FOI law. With PTF support, the campaign was intensified in 2008, with efforts focused on building a broad coalition of citizens’ organizations demanding that such a law be adopted. A national consultative meeting took place in January 2009 in Makeni in northern Sierra Leone where over one hundred civil society groups signed a petition calling on parliament to pass the FOI bill into law. This allowed consultation with a wide range of civil society activists and built a more vibrant coalition. Twenty-five jingles in Sierra Leone’s four main local languages were produced, and repeatedly aired by radio both nationally and by community stations along with programs to alert people to the importance of their right to access publicly held information.¹¹

SDI was also keen to engage with young people. Over five thousand students in ten senior high schools, together with those at Fourah Bay College in Freetown, were taught about the importance of citizens’ access to public information. In addition, SDI mounted a more general public education program using local comedians to help gather large crowds and convey key messages.

Posters of President Koroma receiving the proposed FOI bill from SDI were displayed around the capital and main towns and there were almost no dissenting views in the media. In addition, the coalition met systematically with members of parliament to explain the bill and

¹¹ Radio stations like the United Nations Radio, Democracy Radio, Cotton Tree News, Culture Radio and Radio Mount Aureol have been engaged by the coalition in explaining the importance of freedom of access to public information.

solicit their support. The five main parliamentary committees—those dealing with legislation, information, transparency, human rights and education—were all canvased. Influential members were identified to present the bill to parliament through a private members' motion.

Despite this public pressure, key parliamentarians in league with senior officials have kept procrastinating with little or no leadership coming from the State House even though the president had long ago promised to support the law. Not surprisingly, the political and bureaucratic elite, widely viewed as highly corrupt, see little merit in a law that may be used against them. But the issue will not go away. At a national conference on the Right to Access Information on 15 March 2012, again organized by the SDI and well attended by newsmen and stakeholders, there was an outcry at the continued delay in processing the bill. So much so that the Minister of Information and Communication, Alhaji Ibrahim Ben Kargbo, felt obliged to reassure journalists that his ministry would ask parliamentarians to fast track their approval of the bill. Throughout 2012 the public debate raged on without resolution.

In these ways, citizen activism led by Emmanuel Saffa Abdulai, a dynamic young human rights lawyer, succeeded in turning the passage of an FOI law into a major national issue. Emmanuel grew up in Freetown, where as a young boy he had to fend for himself, having lost his only brother in the ten year civil war, while his mother was living in a refugee camp. Emmanuel could find no better cause in memory of the brutal death of his brother and the suffering of his mother than to fight corruption. As the Sierra Leone Truth and Reconciliation Commission confirmed,¹² corruption and government mismanagement were ultimately the main causes of the civil conflict. Emmanuel vowed to not allow another 'brother' to die in such a grisly manner as his own. His work has put his limbs and life at risk. As he campaigns for more transparent and accountable governance in Sierra Leone, he is often called Mr. FOI. Meanwhile the FOI bill continues to sit in Parliament.

Getting a Freedom of Information Act (or Right to Information Act) adopted is just a first step to ensuring citizens' access to publicly held information—especially information that may be incriminating. Officials, unused to such rights and untrained in how to respond to requests from the public, can be expected to prevaricate or simply ignore the request. To enforce their rights, citizens need access to a court willing to enforce the law. In India, citizens' recourse of the Right to Information Act has been highly successful largely owing to strong support from the country's Supreme Court in sanctioning officials who fail to comply and from the State and Union level Information Commissioners.¹³ We saw in Chapter 3 how CSOs were training villagers to use the RTI Act to successfully secure their entitlements under the National Rural Employment Guarantee Scheme and the Public Distribution System. This represents a dramatic shift in power between citizens and officials, limiting abuses that have long been widespread.

Argentina provides a good example of the common gap between putting a right to information law on the statute books and making it effective. In 2003, President Néstor Kirchner issued a decree¹⁴ to regulate citizens' right of access to public information and an accompanying regulation that set out official responsibilities for implementing the decree. In practice, actual implementation was left to each government agency with very mixed results. With PTF support, in 2005, *CIPPEC*,¹⁵ a highly regarded independent local policy research institute, set out to monitor implementation. They interviewed officials to find out how

¹² <http://www.sierra-leone.org/TRCDocuments.html>

¹³ See *Transparent Governance in South Asia*, Indian Institute of Public Administration, 2011.

¹⁴ Decree 1172/03, to read the text see www.accesoalainformacion.org

¹⁵ Center for the Implementation of Public Policies to Promote Equity and Growth.

requests for information were being handled, collected data on these requests, and trained teams of volunteers to test the system by submitting requests for information and recording what happened.

Five organizations volunteered to be monitored—the Ministries of Education, Labor, Foreign Relations, Planning and the Executive Office of the President. The assessments were more qualitative than quantitative, focusing on the conditions necessary for applications to be successful. CIPPEC found that many officials believed the decree to be overridden by a higher law spelling out the duty of officials to maintain government secrecy which had not been repealed. At CIPPEC's prompting, the president's office obtained an official legal opinion that the freedom of information decree of 2003 was not inconsistent with, and therefore not constrained by, the older and more restrictive law. Officials therefore were free to respond to requests for information without being reprimanded for breaching the country's secrecy laws. However, CIPPEC found that officials were not trained how to respond to requests for information and, in any event, were often not able to locate the requested information owing to poor record keeping. CIPPEC made recommendations to overcome these defects and, in agreement with the president's office, set up an appropriate training program. One outcome was the strengthening of the under-secretariat responsible for the implementation of the decree. Nevertheless, practice among agencies remains very varied and efforts to convert the decree into a law, which would give it greater standing and permanence, have not so far¹⁶ been successful. However, on December 4 2012 the Argentine Supreme Court issued a landmark ruling ordering the government to provide access to information based on the constitution's guarantee of a right to information. The suit had been brought by the National Institute for Retirees and Pensioners. This was the first occasion the court had explicitly and forcefully recognized the constitutional basis of the right of access to public information, rejecting the government's contention that the agency was not covered by Presidential Decree 1172/03. The struggle for greater government transparency continues.

In 2010 CIPPEC turned its attention to assessing the implementation of an access to information decree¹⁷ relating to state enterprises in the state of Santa Fe. They worked with the state water and energy companies to evaluate their systems for responding to information requests and to propose improvements. The initiative went well, with good cooperation from both the enterprises and the provincial government, though it remains to be seen whether the public will make use of this opportunity.

Other Argentine CSOs have used the freedom of information tool to fight corruption. With *FONTRA*¹⁸ support, in 2010, *ACIJ*¹⁹ sought to increase the accountability of prosecutors and judges in corruption cases by increasing civil society's access to information about court cases. *ACIJ* encountered considerable resistance and found that the availability of information varied widely depending on which lower court and which appellate judges were involved. Subsequently, they have continued to pursue this matter with both the judiciary and the legislature, where necessary taking cases to the supreme court.

¹⁶ As of early 2013.

¹⁷ Decree 692/09.

¹⁸ *FONTRA* is the Regional Fund for Transparency managed by Instituto de Comunicación y Desarrollo with financial and technical support from PTF; *ICD* is PTF's partner in the cone countries of South America—see Chapter 1 for more details.

¹⁹ Civil Association for Equality and Justice.

Also in Argentina in 2010, *INECIP*²⁰ evaluated the government's system for processing tax evasion cases, including what information was made available to the public. Here again it proved hard to obtain comprehensive and consistent data. They concluded that the processing system was so slow and ineffective as to provide *de facto* immunity to those accused. They publicized their findings and continue to campaign for improvements.

Also in 2010, yet another Argentine CSO, curiously titled *Citizens' Foundation 365*, sought to improve access to information from the Cordoba provincial and municipal governments, while at the same time making civil society and businesses more aware of their legal rights. When the local governments resisted their initiative, they built an alliance with other CSOs, academia and the media to demand greater access to information. Civil society organizations in other locations may now follow their example. In the Province of Santa Fe, *FEC*²¹ took up a similar initiative to raise awareness of both officials and civil society leaders on the application of the new freedom of information law. They drafted a manual and convinced the provincial governor to join FEC in a presentation to the press on the topic.

In Patagonia, the *Foundation Center of Patagonian Studies* used workshops, publications, training and targeted requests for information to enable local officials, civil society leaders and the media to learn how to apply the new transparency decree. All of the 31 requests for information to municipal and provincial governments, from people trained under the project, were answered, and the local press publicized this project extensively. One conclusion was that more information should be provided via the web, as individual requests for such information required more effort and faced delays. An indirect outcome was that with more information made available, civil society was becoming more engaged in local environmental and other issues.

Whether all these efforts in Argentina will eventually change the behavior of government remains to be seen. Pressure from civil society for greater government transparency is clearly mounting. Yet, the present government has seemed even more stubbornly resistant to governance reform than its predecessor.

Based on the experience of these projects, it is clear that access to information needs to be addressed from both the demand and supply sides, and a variety of mechanisms can be exploited: websites, responses to questions, public audiences, publications, and making documents available to civil society organizations that are doing serious research. Websites are clearly an increasingly important avenue for citizens to access information, so establishing transparency indices could be helpful. Civil society organizations are more effective in promoting transparency when they work collaboratively and in tandem with the media. Governments tend to express support for transparency, but remain secretive in practice. The judiciary appears to be particularly resistant to efforts to make it more transparent. But even with agencies that try to be transparent, it is still essential to put durable systems in place. Otherwise, as administrations and personnel change, the newcomers may be less compliant and the campaign to change official behavior will need to be repeated.

²⁰ Institute of Comparative Studies in Penal and Social Sciences.

²¹ Foundation for the Exercise of Citizenship.

Protecting whistleblowers

Even in countries where the rule of law is well embedded, citizens are often fearful of reporting abuses. If they are employees, their employers may regard them as disloyal, and so may their fellow citizens. Stories of victimization abound. To overcome these attitudes, a cultural shift is needed as well as legal protection.

In Nigeria, the campaign for a law to protect whistleblowers was led by the Nigerian chapter of Transparency International with technical support from the Public Concern at Work, a UK not-for-profit organization that specializes in giving legal advice using lawyers with extensive international experience of such legislation.²² In 2002, PTF arranged for the deputy director of Public Concern at Work, Anna Myers, to spend a week in Nigeria working with *Transparency International Nigeria* to prepare a draft bill. She led an intensive three-day workshop in Abuja—which included representatives of the government’s anti-corruption institutions, the media, law enforcement and academia—to promote whistleblowing protection legislation. The workshop agreed that Nigerians were willing to report corruption if they were given adequate legal protection. It was argued that a law to protect whistleblowers would give a clear signal to communities and individuals facing corruption that there was a safe alternative to silence. This was seen as particularly true in Nigeria where legal and police protection was minimal.

A Whistleblower Protection Bill was drafted and presented to members of the Federal House of Representatives in 2002 and again after the 2003 election. However, to move the bill forward, a member of parliament had to be willing to sponsor the bill and, since the main political parties were not supportive, no member was ready to take on this responsibility. The draft Bill was sent to the Anti-Corruption Committee of the House, but their discussions were inconclusive. In 2004, 150 activists marched through Lagos to the State House of Assembly where they met with the Speaker of the House and presented him with a copy of the bill. They also ran radio jingles on popular radio stations to raise awareness of the bill, calling on Nigerians to support its passage. Members of Nigeria’s Zero Corruption Coalition promoted the bill within their different organizations and through their various programs. Nonetheless, lacking genuine support from the political leadership, the bill failed to progress and this remained the case at the end of 2012, some ten years later.²³ Yet civil society has not given up. Over the years several attempts have been made by civil society groups to build on the initiative by Transparency International and currently the latest draft, Whistleblower Protection Bill 2011, is waiting to be taken up by the National Assembly. Eventually it will become law, but only because of unrelenting civic advocacy.

Nigerian politicians are not alone in shying away from enacting a law to protect whistleblowers despite evident strong public support for such a measure. The same problem arose more recently in Lithuania. With the help of outside experts in 2009 and support from PTF and TI, Lithuanian’s lawyers drafted their own whistleblower protection law and started campaigning for its adoption.²⁴ Recognizing that whistleblower protection raises a number of tricky legal and procedural issues, *TI Lithuania* developed a training package to be used in seminars with public servants and private sector representatives.

²² <http://ptfund.org/regional-reports/africa/africa-project-reports/>

²³ See Abdulsalam Ajetunmobi *Whistle-blowing as a potent anti-corruption tool*, Punch, Nigeria, February 10 2012.

²⁴ <http://ptfund.org/regional-reports/europe/eastern-europe-project-reports/>

In May 2010, TI Lithuania organized a conference attended by representatives of some 40 national organizations to explain the draft legislation and deal with concerns that people had regarding safe reporting procedures and standards of confidentiality. This led to closer cooperation with Parliamentary Ombudsman and with officials in the Ministry of Interior and other public agencies to develop standard reporting guidelines and protection for those reporting corruption and similar abuses. These meetings were supported by case studies that had been gathered by TI Lithuania from a hotline they had established. This information helped TI Lithuania to conduct new research that has exposed the confusion that surrounds present practices related to whistleblowing regarding anonymity and confidentiality of those reporting abuses that potentially put them at risk. Following this research, TI Lithuania issued a list of recommendations that were endorsed by the ombudsmen.

To build wider public support, TI Lithuania mounted a ‘Good People’ poster campaign featuring a series of images designed to highlight the benefits that whistleblowers bring to the public. These were published in newspapers across Lithuania and on its website. The goal was to stress the service whistleblowers provide to the society and to fight the image of them as ‘snitches’ that dated back to Soviet times, using positive stories drawn from around the world packaged with humor.

The draft law was submitted to Parliament in September 2010 and was discussed in committee during 2011. TI Lithuania was registered by parliament as an interested party ensuring that their views on all proposed amendments would be taken into account during any hearings and subsequently when there is a full debate. TI Lithuania also campaigned successfully for the Ministry of Justice to include measures for whistleblower protection in the new National Anti-Corruption Plan. Subsequently, the ministry invited TI Lithuania to give their views on proposed amendment of existing laws that might affect the protection of whistleblowers with the result that modifications were made to strengthen the laws. As in Nigeria, TI Lithuania’s failure so far to persuade any significant group of parliamentarians to endorse the proposed new law largely explains why it remains stalled. This illustrates the need for such advocacy to be two-pronged—on the one hand to mobilize public opinion to demand action and on the other to persuade key figures in the government that such a measure is needed.

Outlawing conflicts of interest

Turning now to the need for countries to police conflicts of interest that arise as officials go about their daily business, we find that this also is a topic new to the thinking of many developing countries and especially so in countries of the former Soviet Union. Mongolia provides a good example of the struggle that civil society has had to convince regimes in these countries that there needs to be a law regulating conflict of interest. The process is little different from that adopted by CSOs to promote freedom of information or whistle-blower legislation—namely, to submit to parliament and the government a draft law based on internationally accepted best practice and, at the same time, engage in a public education campaign to explain to citizens, legislators, public officials and the press why such legislation is needed, how it would work, and what benefits it would yield. In this way, as we saw in Chapter 4, Mongolia’s *Women for Social Progress* (WSP) prepared a draft law for discussion at a public forum and the law was passed by parliament in 2012.

The enactment of a quality conflict of interest law has filled a gap in the country’s anti-corruption legislation. The new law provides strict regulations for greater disclosure of

private interests upon entry to government office and post-employment restrictions for government employees joining private businesses. Both have been sources of frequent conflict of interest infractions in the past. Public awareness on conflict of interest issues has soared, partly owing to the media coverage and partly as a result of the education campaigns mounted by the WSP.

In Latvia, as part of its review of laws relating to corruption in September 2005, *Providus* organized a round-table to discuss its proposals to regulate conflict of interest with representatives from the state institutions. Those attending included the Corruption Prevention and Combating Bureau, State Chancellery, and Civil Service Board. Afterwards *Providus* was invited to brief the responsible Parliamentary Committee. Despite these and subsequent efforts, *Providus* was unable to dissuade Parliament from passing a conflict of interest law which fails to follow the common European practice of setting limits on the value of gifts for state officials. It was reported that the text of the law differed significantly from that proposed by the government's Corruption Prevention and Combating Bureau and was tantamount to legalizing corruption.²⁵

Law enforcement

Enacting well drafted anti-corruption laws is but the first step in curbing corruption. In the end, politicians may sometimes conclude that it is better to concede to public pressure by passing laws, while having no intention of implementing them. Thus, perhaps the greater challenge in many countries is to get the laws once passed to be honestly and impartially implemented. No law is effective unless conscientiously enforced. For the most part it falls to the police and the courts to enforce the law, the one complementing the other. But a country's police invariably reflect the social norms and political realities prevalent where they operate, as do the judges. Where corruption is pervasive, the police and the judges will most likely be corrupt as well. So civil society organizations campaigning to end corruption must work with the police and judiciary as much as with any other agency, which is not an easy task.

Curbing police corruption has been the aim of two projects supported by PTF. In Chapter 5 we described how NAFODU had persuaded the police in four districts in south-western Uganda to adopt a code of conduct and had used community radio to make the police more aware of citizen's concerns. These were early and tentative steps to bringing greater integrity to local policing. Obviously, only a more sustained effort will bring a sustained result.

In Pakistan, the national chapter of Transparency International boldly targeted an area of great aggravation for citizens—police corruption in issuing driving and vehicle licenses. In July 2002, *TI-Pakistan* succeeded in persuading the Karachi Police to allow the chapter to carry out a detailed study of its Driving License and Vehicles Fitness Test Departments “with regard to the existing situation of rent seeking” and to recommend ways to reform the system. Not surprisingly, the work proceeded rather slowly. *TI-Pakistan* undertook a thorough review of the existing procedures, systems and applicable laws and regulations, and made detailed recommendations for streamlining procedures, computerization, increase in staff and opening four new offices to relieve departmental overcrowding. An implicit objective was to adopt modern practices and facilities to reduce the risk of fraud and to expedite processing. In the

²⁵ Wikileaks (<http://leaks.hohesc.us/?view=07RIGA476>)

end, the driving license component was successfully completed, while the final recommendations regarding the vehicle fitness tests were only partially taken up.

The police accepted TI-Pakistan's proposal to use 'smart cards' in place of the pre-existing driving licenses that had been easy to forge, to reform various procedures which had allowed applicants to pay 'speed money' to the 'touts' thronging the premises of the Driving License Issuance Department, to increase the number of staff, and to open a second office, but they were not successful in persuading them to use 'test driving simulators'. The recommendations relating to the Vehicle Fitness Department proposed encouraging private enterprises to set up vehicle testing stations, thus eliminating direct contact between the police and the owners of vehicles. At the same time, the new arrangements allowed the police to receive legitimate new benefits from the scheme to encourage them to implement the reforms.

While an independent assessment²⁶ concluded that the reforms were only partially successful, the outcome was significantly better than before. The need for further reforms in the Driving License Department was acknowledged by the officers in charge. Indeed, they showed themselves to be dedicated and conscientious. They were frequently in touch with TI-Pakistan, exploring ways to further improve the working of the department, and TI-Pakistan noted a palpable improvement in the working atmosphere in the department. The new system has improved to a stage where an applicant, if patient, can now obtain a license without paying any 'speed money'. However, it is still time consuming partly because two offices for the issuance of driving licenses is insufficient for a city with a population of more than 13 million people. As far as vehicle fitness-testing is concerned, the deputy inspector-general for traffic police claimed at a meeting held in July 2004 that he had carried out many of the recommendations, a claim which TI-Pakistan reported to be true based on their own site visits.

Making the judiciary more honest

Even if the police and the staff of the government's anti-corruption office do their work properly, weak judiciaries that lack both capacity and independence make it hard to have cases brought to trial and for sound judgments to be given, especially where powerful people are around to bend court decisions in their favor. Most often it is more junior officials and citizens without influence who are prosecuted or, worse still, people who have run afoul of the incumbent regime who then victimized them.

PTF has supported a number of projects where a CSO has sought to strengthen the judiciary and monitor the way corruption cases are handled. These initiatives are directly challenging to those in power, involve risks and are only partially successful. But they are a necessary step on the road to good governance.

For example, Bolivia has recently gone through a judicial reform that well illustrates the role that civil society can play. Among the issues tackled were corruption, political interference, limited access to justice, an unrepresentative system for naming judges, inadequate budgets, lack of capacity among justice officials, and lack of confidence in the court system. In a February 2011 survey, a staggering 80 percent of Bolivian citizens viewed the administration of justice as failing.²⁷

²⁶ Project Completion Assessment by Khalid Siraj, November, 2004.

²⁷ Public Opinion Survey Empresa IPSOS February 2011.

The approval of a new Constitution in January 2009 set in motion a process to restructure the judicial system. One of the major changes was electing judges and other officials in the justice system through a direct and universal vote. New laws were enacted establishing a Constitutional Court and a Judicial Law Commission, and defining the elections' rules and procedures. At this pivotal moment, it was essential for civil society to help ensure that the judicial selection process was merit-based and transparent in order to secure its credibility and prevent fraud and political interference that would compromise the independence and impartiality of the new institutions. *Construir*, a local CSO, was accepted by the government to play this role.

In May 2011, the Bolivian National Assembly promulgated the rules for the selection of candidates and the subsequent election of judges. The National Assembly drew up a list of candidates by a two-thirds vote of its members. The candidates were then vetted for their professionalism by the Constitutional Court and the Supreme Court, and also for the Agro-Environmental Court and the Judiciary Council, before they could stand for election.

With PTF support, the Construir Foundation organized groups of citizens across Bolivia to monitor the implementation of the reforms throughout 2011, verifying that the election process proceeded in a transparent and open manner and with the full participation of a well-informed electorate. Construir worked to ensure that the new access to information and citizen participation rights as set out in the new Constitution and the laws on the judiciary and on the constitutional court were all properly understood by citizens and officials, and that appropriate regulations were promulgated and fully implemented. Construir's monitoring ensured that the selection of candidates prior to the election and the election itself were properly carried out. Construir achieved this by mobilizing a coalition of Bolivian CSOs (*Bolivia Transparente*), by working with media groups and academics, and by building constructive alliances with the Judicial Commission of the National Assembly and the National Electoral Court.

As we reported in Chapter 4, in Mongolia, the local chapter of Transparency International worked with the judiciary to establish a code of ethics for judges and judicial staff, and trained the judges to follow the code—a remarkable achievement for a civil society organization. In Chapter 6, we described how the Uganda Law Society approached the issue of how the courts handled corruption in a different way. They monitored corruption court cases, analyzed what happened and then worked with the judiciary to define measures to overcome the problems that had emerged.

Securing property rights

We argued in Chapter 2 that property rights are central to the struggle for power and, related to that, corruption. We should therefore expect that securing property rights would be among the key governance reforms. It is therefore perhaps surprising that among the 200 or more projects that PTF has assisted, only two relate to property rights, and both were concerned about land titling. One was in Albania and the other in Rwanda.

In Albania the *Citizen's Advocacy Office* (CAO) leads the national anti-corruption network that includes around 100 organizations as well as many individuals actively tackling corruption. CAO was concerned to make property rights clearer and more secure and, at the same time, raise public understanding of the legal framework regulating them. They were also concerned to identify the weaknesses in this framework and the violations caused by

corruption. CAO developed a tool to monitor the implementation of the legal framework and was successful in documenting and publicizing corruption in land registration. Specific recommendations were made for more effective oversight of the system of land registration through enhanced citizen engagement. CAO published a report in 2009 entitled *Corruption with Properties*²⁸ which laid out in some detail the extent of corruption in land administration. The report was widely disseminated and attracted a lot of attention during the election debates that year.

Land administration in Albania is extremely complex and the authorities have found it hard to arbitrate among competing land ownership claims. Some court decisions on land matters have been overturned by the European Court. CAO's initiative has made an important contribution to the continuing tense debate on the reform of land administration. Also, partly as a result of this initiative and partly in response to pressure from investors, inter-departmental coordination on land issues improved and a new agency for legalizing land ownership has been set up.

In Rwanda, *Transparency Rwanda* (TR) has been almost the only civil society organization to dare to publicly question the integrity of public bodies. In 2009, it had the courage to tackle corruption in land administration in Kigali—a particularly fraught subject. Land titling in the capital, land allocation, and the related granting of construction permits were notoriously slow and non-transparent. Files seemed to get lost, written replies to queries were not forthcoming, and lots were sometimes allocated to more than one person. The goal of this project was both to campaign to reduce corruption and to ease the resulting bottlenecks. To this end, TR hired a land administration expert who prepared a study²⁹ which pinpointed where corruption was taking place and proposed measures to address the problems he exposed.

The study was discussed at a stakeholder workshop in September 2009 in Kigali attended by municipal officials and the representatives of the Ministries of Infrastructure and Justice, the Land Commission Centre, the Governance Advisory Council, and various interested NGOs and donors. The final recommendations of the report, which received considerable media coverage, were submitted to the relevant government agencies and the Kigali Municipality. This has generated continuing public discussion on the need to reform land administration and stop the related corruption.

In 2011, the Rwanda Governance Advisory Council carried out a citizen perception survey that once again laid bare the problems with land administration in Kigali and highlighted concerns about corruption. The government has announced its intention to establish an efficient, transparent and equitable land administration system so, with constant prodding from civil society, the pot continues to simmer. In late 2011 the government created an independent Rwanda Natural Resources Authority to handle land registration. This has worked well, resolving a large number of land disputes³⁰ even though corruption persists in the way decisions are taken. Also, the state is now paying compensation for expropriated land as recommended in TR's study, though often with long delays.

²⁸ *Corruption with Property: An Impediment to Sustainable Development*, Citizens Advocacy Office Research Study, March 2009 (http://www.tia.al/index.php?option=com_content&view=article&id=64&Itemid=76)

²⁹ *Kigali City: Study on Transparency and Integrity in the Cadastre and Urban Planning Units*, Transparency Rwanda, Kigali 2009 at http://www.transparencyrwanda.org/en/resources/documents-library/cat_view/47-research-and-publications

³⁰ The number of land related cases handled by the Advocacy and Legal Advice Centre run by Transparency Rwanda has halved from 60 per cent April 2010 to March 2011 to 29 per cent in the following year.

Legal aid

If good anti-corruption laws are on the statute books and the courts and police collaborate honestly to implement the laws as intended, citizens would be protected from administrative misbehavior. As this is rarely if ever the case, there is a vital need to support ordinary citizens in using the courts to redress grievances relating to bureaucratic abuse. Experience shows that civil society organizations can usefully help out and PTF has supported them in this role.

For example, in 2004, PTF assisted *Transparency International Poland* to establish a Guide to Judicial Procedures as part of its citizens' legal aid program. Over 1,000 copies were distributed within the first year with a further 900 downloaded from its website. From all around the country, individuals, citizen groups, associations and councilors' clubs applied for support in solving cases involving alleged corruption. Most of the requests came from small towns where it was particularly difficult for local people to deal with corrupt officials.

For example, Anna Wojtynkiewicz's³¹ neighbor in Debica had built a house in breach of the construction law that damaged Anna's property. Despite Anna's complaints, the Building Inspectorate refused to intervene, so she was forced to take the matter to the Supreme Administrative Court which eventually found in her favor. TI-Poland then assisted Anna in appealing to the Civil Court for compensation from the local Building Inspectorate for the damage she had sustained. In such cases, the presumption is that bribes will have been paid to persuade the local authorities to overlook the building contraventions though, as is so often the case, the allegation would be hard to prove.

Those with grievances came to TI-Poland for help because it was viewed as a reliable and independent organization without political bias. Moreover, it was known not to depend on government funding and therefore could not be easily manipulated by officials. Although TI-Poland did not advertise its services, its growing reputation, coupled with the high level of corruption in state institutions, resulted in a rapid increase in the number of citizens requesting help. However, TI-Poland found it much more difficult to work on cases at the local level compared with national level as local level officials are closer to citizens through family and friendship networks; when everybody knows everyone it seems that it is more difficult to fight corruption. This is a sad reflection on human nature; in a world where corruption is seen as morally wrong, one might expect that if everybody knows everyone, it would be harder to be corrupt.

TI-Poland developed an anti-corruption toolkit not only to support its legal aid program, but also for individuals and groups to use in managing their own cases. It was also used by other organizations to start their own legal aid programs. The toolkit had five different components:

- Software in the form of program management applications, internet discussion groups for program collaborators, frequently asked questions and application forms for people looking for help;
- Software to provide legal help by internet (webpage, discussion group, online help);
- Practical anti-corruption guides for citizens published on paper, CDs and the web
- Working procedures and instructions for providing legal help based on TI-Poland's own experience; and
- Internet-based practical help.

³¹ Name changed to protect privacy.

Through this legal education and assistance program, TI-Poland successfully raised public awareness of people's rights. As a consequence, they state that dishonest officials have been discouraged from taking advantage of people's ignorance. Though this is hard to verify, the claim seems plausible. TI-Poland also collected information on the corrupt 'tricks' used by officials derived from observing court proceedings, collecting evidence, and providing legal help. Using this database, TI-Poland compiled a practical toolkit for a citizen in court and set up a new dedicated website. Nothing like this had existed before. Lastly, volunteers have been taught to provide counseling for people looking for legal help.

More recently the idea of providing legal aid has been incorporated in a major Transparency International program entitled Advocacy and Legal Advice Centres.³² These are run by TI national chapters and provide free confidential legal advice to the victims of corruption. Offering a simple, credible and viable mechanism for citizens to pursue their corruption-related complaints, the centres empower citizens to defend their rights and demand redress from officials who have abused their position. The centres also play a critical role in identifying corruption hotspots that can become the focus of civil society's future reform efforts. Using the powerful evidence of systemic corruption gathered by the centres, and its mechanisms and consequences, TI chapters engage in strategic advocacy to bring about reforms aimed at reducing the opportunities for corruption. This double-edged strategy is key to the success of the centres.³³ PTF has supported TI-Kazakhstan³⁴ and TI-Serbia³⁵ in setting up such centres in their countries.

³² see <http://www.transparency.org/alac>

³³ Paul Macarthy, *An Evaluation of the Advocacy and Legal Advice Centers Project*, April 2005 (http://www.transparency.org/regional_pages/europe_central_asia/priority_issues#priority3)

³⁴ See the project completion report Kazakhstan_TIKaz_07may09 at www.ptfund.org

³⁵ See the project completion report from TI Serbia, December 2011 at www.ptfund.org

Chapter Eight

Pillars for Integrity

While the rule of law is the first and foremost prerequisite of an accountable state, there still remains the vexatious question of establishing a legitimate government with effective governance institutions—what Transparency International calls the *pillars of integrity*. This chapter reports on CSO initiatives to strengthen the pillars of integrity which PTF has supported.

Honest elections

Governments achieve legitimacy in the eyes of the governed by holding credible elections based on a sound electoral law and organized by an independent electoral commission. It also requires an independent judiciary that citizens can rely on to pass impartial judgment on any complaints of electoral fraud. Political parties competing in the election would normally have a right to monitor the balloting and counting of the votes. But all of that is still insufficient. Even supposing that these arrangements were honest, the watchful eye of an alert civil society, working hand in glove with a free media, remains indispensable to monitor the electoral process and bear public witness to the absence of fraud. Hence, the widespread practice has arisen of permitting independent election observers to be present throughout an election.

In the last chapter, we described the role played by *Providus* in Latvia in campaigning for a sound electoral law. In 2010, PTF supported *Providus* in ensuring that the parliamentary elections were fair and honest. PTF also supported *SaveGhana* in monitoring the general election held in Ghana in 2008 and CIPPEC in monitoring campaign financing in Argentina in 2011. Did these efforts make any difference? It is hard to know for sure. There is no obvious counterfactual for assessing impact, but one can reasonably assert that without independent monitoring there will always be room for allegations that the elections were fraudulent. So independent CSO monitoring helps people to have faith in the electoral process.

Authoritarian political leaders are typically hostile to allowing civil society organizations a genuine independent monitoring role. In Kyrgyzstan PTF assisted the local chapter of Transparency International to monitor the use of campaign funds in 2004, an initiative that was poorly received by those in power. The person leading this initiative was harassed and threatened, frightening her into retracting the publication of her findings. As a result, she suffered a nervous breakdown. However, in countries with more solid judicial institutions, where there is respect for the rule of law, politicians are likely to be wary of threatening independent monitors for fear not only of the possible legal repercussions, but also because they need to protect their public reputation.

In the case of Latvia, *Providus* investigated political parties' compliance with the campaign funding law and the legality of various types of campaign expenditure, in particular with regard to the legal limit on political advertising. They identified 'hidden advertising' and briefed both voters and state agencies on its findings. The broader goal was to make citizens aware before the elections when parties were willing to break the law on political funding,

and to identify the mass media outlets that seemed willing to be paid to send out political party messages without clearly marking such content as advertising.

Providus disseminated information on political advertising appearing on television and radio stations, in newspapers and magazines, on large internet portals and on billboards. It also reported on political advertising before the official campaign began and on estimated political party income. These results were picked up by the media and generated great public interest. In particular, Providus identified a large advertising campaign initiated by a newly formed organization, which was expected to reorganize itself as a political party, raising questions in the media on the legality of such a campaign. Providus was often the only source of such data, and publishing it openly helped the media to focus public interest on the various attempts by parties to circumvent the legal limits on political advertising.

Several troubling issues surfaced. For example, the Free Port of Riga was found to be placing television advertisements featuring a leader of one political party who chose to appear in his capacity as the port's chairman, but gave himself simultaneously questionable additional publicity as an election candidate. Providus exposed a television broadcaster for dedicating programs to a single political party without the audience being told that the event was paid for by the party. It also found that one of the most influential Latvian television stations had organized weekly discussions on political subjects using on each occasion debaters who were closely linked to a single party. Providus sent the data they collected on political advertising expenditure to the state anti-corruption agency, which used it to check against the information being submitted by the parties.

To counter public concern resulting from the exposure of these dubious practices, Latvia's parliamentary committee responsible for overseeing campaign finance and political party regulation decided to hold a special sitting in January 2011 to discuss Providus' recommendations¹. The meeting was also attended by representatives of the anti-corruption agency, the Ministry of Justice, the National Broadcasting Council, the media and concerned CSOs. The outcome was a strong commitment from the parliamentary committee to improve the existing regulation. Since then there has been a series of proposals put forward by different political parties for new legislation to curb political funding abuses. Some of these have been worked into new legislative drafts now being considered by parliament. It is unlikely that much, if any, of these initiatives would have happened without Providus' campaign. However, it has been a long drawn-out political struggle with those in power and other political groups who perceive the present system as politically advantageous, resisting reform, while those who prefer a level playing field have supported measures to curb electoral corruption. It is a prime example of the continuing renegotiation of the 'rules of the game' discussed in the Introduction.

Regulating the funding of political parties is problematic almost everywhere, in developed as well as in developing countries, though the nature of the challenges depends on national history and local circumstances.² In 2011 *CIPPEC*³, an Argentine CSO, undertook extensive research into the problem. Although seldom discussed in the local media, the funding of political activity in Argentina using state resources is viewed by incumbents as a privilege of office, even though it gives them an unfair advantage. While an electoral reform in 2009 sought to reform the political campaign financing system, and *CIPPEC*'s research

¹ <http://www.Prov.lv/public/27435.html>

² Austin, Reginald, and Maja Tjernström (eds.), *Funding of political parties and election campaigns*, Stockholm: International IDEA, 2003.

³ Centro de Implementación de Políticas Públicas para la Equidad y el Crecimiento.

showed that the new system made access to private funding fairer, the limits to the partisan use of public resources remained lax and the record regarding enforcement of political financing rules was weak. CIPPEC campaigned against this discretionary use of state resources by incumbent officials seeking re-election, arguing that it distorted political competition. It deployed the data collected through its research to argue the case. Several provinces had replicated the national rules on party finance, and CIPPEC reported that the problem was equally acute at the local level. This experience demonstrates that producing independent data on electoral administration is important in keeping electoral officers' accountable and encourages them to disclose their own data.

In contrast, *SaveGhana's*⁴ campaign was based on the more direct approach of mobilizing citizens to monitor elections to discourage cheating. This was especially interesting because theirs was a local initiative covering two constituencies in northern Ghana, rather than one orchestrated at a national level. SaveGhana, a northern-based civil society organization, was composed of local people wanting to make sure that the election was fair and above board in their own area—a striking example of basic democracy at work. The presidential and parliamentary elections in Ghana held in December 2008 were closely followed in Africa, being seen as democracy in action. Ghana re-established a democratic system of government in 1992, and since then there have been four closely contested elections involving the two main parties, the National Patriotic Party and the National Democratic Congress, with several other parties participating.



Voters in Sissala West

For the past eight years, the government had been headed by John Kufuor of the NPP who had replaced Flight Lieutenant Rawlings as president. In December 2008 the NPP candidate was Nana Akufo-Addo, while the NDC candidate was John Atta Mills, who had been vice president under Rawlings. Pre-election polling pointed to a close election—a prediction borne out by events. SaveGhana asked for PTF support to enable them to monitor the elections against fraud and corruption in the Sissala East and Sissala West constituencies. These cover districts in the Upper West Region close to the Burkina Faso border and are among the poorest in the country. Three parties were contesting the elections in Sissala East, with two additional parties in Sissala West. As elections drew near, it became likely that there would be no outright winner and that a run-off might be needed.

SaveGhana began by preparing training materials and recruiting volunteers. Together the two constituencies were scheduled to have a total of 125 polling centers, and SaveGhana enlisted 150 volunteers, so that each polling center could be covered by at least one monitor with two assigned to potentially contentious locations. A two-day training workshop was held in November in which SaveGhana, assisted by Electoral Commission staff briefed volunteers on their role. The latter were required to sign a declaration of neutrality and were trained in the roles of the Electoral Commission, security staff and voters, and given a checklist against which to report the conduct of the election, including reporting irregularities, so that these could be tabulated by SaveGhana's coordinating staff.

The volunteers were given a final briefing on December 5, and deployed across the two districts on December 6 ready for elections on December 7. Polling centers opened at 7.00

⁴ Sustainable Aid through Voluntary Establishment.

a.m., by which time voter lines were already forming. After closing at the end of the day, ballots were counted and the results taken to collation centers where the results were tabulated. SaveGhana observers watched the voting and then the vote counting at the polling stations, tabulated the figures and then sent them to colleagues in the collation centers to ensure the right totals were arrived at.

Nationally there was no outright winner in the presidential balloting, necessitating a run-off, scheduled by the Electoral Commission for December 28. This posed a problem for SaveGhana since it had not budgeted for a second round, and the PTF could not extend the grant. In the end, SaveGhana decided to monitor the run-off in a sample of 25 polling centers without outside assistance, by assigning 30 volunteers, and placing two in the most critical locations. Prior to the run-off, the volunteers received refresher training.

In Sissala West a total of 16,266 votes were cast with the NDC presidential candidate, with 8,392 votes, in the lead. In Sissala East it was the other way around with 10,315 for the NPP candidate out of 18, 848 votes cast. The results were declared just after midnight in one constituency, but only at 7.00 a.m. the following day in the other, which heightened popular tension over the results, though this was defused by security officers. As all were soon to learn, former Vice President John Atta Mills of the NDC won by a hairsbreadth, and took office. Ghana had successfully achieved its second peaceful democratic change in its governing party since the restoration of multiparty democracy 16 years earlier.

Through the lens of SaveGhana's observers in the Upper West Region, both the main and the run-off elections, though hotly contested, were seen as generally free, fair, transparent and peaceful. Across both constituencies and in both the main and run-off elections there were irregularities noted in monitors' reports, such as voting by minors, lost or inconsistent ID cards, and some attempts by party representatives to pressure voters. Also, during counting, some irregular ballots were detected and rejected. In the main, though, these were isolated irregularities and Ghana appears to have avoided the rampant vote rigging experienced by some other countries in the region. Fraud was limited and detected, and in the main voting went as planned, even though it took two rounds of voting to find an outright presidential winner. Local CSO monitoring contributed significantly to this positive outcome.

SaveGhana drew a number of lessons from this experience. Their main conclusion, was that Ghana got the basics of managing elections right, conclusions that were corroborated by other independent observers. In particular, the Electoral Commission was genuinely impartial, adequately budgeted and well organized. It had updated the electoral roll, and materials were distributed ahead of time so that all polling centers opened on time, or very soon thereafter. The security forces played their assigned role, which was to provide a policeman at each location, both police and military details at the collation center in each constituency, and a rapid intervention force in case of trouble—it was needed in one location—but not to interfere in the voting process. Ballots were counted quickly and results announced before tension could build up. Although there was pressure from party representatives, voters showed that they were aware of their democratic rights and were determined to vote as they wished. Even though his party's candidate had narrowly lost in the run-off, the outgoing president, John Kufuor, called on all Ghanaians to accept the Electoral Commission's determination on who had won. As a result there was a collective sense that Ghana had demonstrated it could manage fair and efficient elections.

SaveGhana put forward specific recommendations for the Electoral Commission, most importantly for them to allow more time for registration, improve the identification processes, and provide more voter education. But the main story in Upper West Region (and nationally)

was that the principal actors had played their intended roles. The Electoral Commission was viewed as having managed the process well, the media was free to report (and did so responsibly), security was effective, candidates were able to campaign freely, and incumbency was not abused by the ruling party.

While the outcome in Sissala East and West might not have been significantly different if the monitoring had not taken place, SaveGhana's monitors undoubtedly reinforced a collective perception that the democratic process had been followed. Thus, they had added to the transparency and integrity of the electoral process in their area. They also provided an in depth picture of the electoral process in one region in Ghana to complement the broader brush endorsement of international observers. From a fraud and corruption perspective, the project showed that, while some irregularities still occurred, they were immediately corrected. The institutional processes to ensure free and fair elections worked, the citizens faith in the electoral process was enhanced and a precedent set for citizen monitoring of future elections.

PTF's experience in Tanzania was much less impressive. It supported a CSO called the *African International Group of Political Risk Analysis* or, for short, PORIS, to identify measures to make elections more honest. The main elements of the study included: a review of the Electoral Law and Political Parties Act 1992; structured interviews with leaders of political parties, the registrar of political parties and important policy makers; administration of a structured questionnaire to three presidential candidates, 300 parliamentary candidates and 200 campaign managers all relating to the elections held in 2000; and focus group discussions with voters and key informants from the media and business sector.

The information generated from this study was to be used to make recommendations for reform. The quantitative data and descriptive statistics collected by the interviews were to be processed and analyzed, and statistical inferences made about campaign expenditures and thereby clarify the need for better control. PORIS' aim was to prepare a new draft electoral law and to establish the basis for forceful advocacy for electoral reform. The results of the study were to be published and widely disseminated with the goal of building public awareness of the need for reform to curb political corruption.

A stakeholder workshop on corruption in the electoral process was held on November 2003, attended by 52 participants including members of parliament, representatives of political parties, civil society organizations, journalists and representatives from government agencies involved in combating corruption. The workshop agreed on a number of recommendations relating to the reform of the electoral law, limiting the funding of political parties, and strengthening the role of the anti-corruption agencies and civil society in combating political corruption. But there is no evidence that any of these recommendations were ever implemented. Although the fieldwork and the workshop provided data and raised issues to be addressed, the follow-through was weak. The main output, other than the workshop, was the printing and distribution of 100,000 copies of a Swahili brochure condemning corruption in the electoral process. This disappointing outcome underlines the problems that arise in working with weak CSOs. PTF has helped five different CSOs in Tanzania, and none has performed creditably. It may be that PTF's screening process was ineffective, but the experience also points to the need for substantial capacity building, much more so than in most other countries where PTF has worked.⁵

⁵ The screening process included not only a careful evaluation of the project proposal, but also a check on references from other funding agencies that had worked with the grant applicant. These proved not to be reliable.

Establishing the rule of law and conducting honest elections are two crucial prerequisites for achieving honest and accountable government, but additional measures are needed to counter the strong incentives of those in authority to be corrupt. Recognizing this, most countries have institutions dedicated to monitoring the operations of government and related public agencies—most prominently a supreme audit not only to verify public accounts, but also as a check against corrupt management of public finances. And, as in the case of the judiciary and elections, civil society has a role to check that these other institutions do what they are meant to do.

Honest and robust auditing

Reliable, independent, prompt, and robust public auditing is a key pillar of a country's integrity system. Over the last decade, several CSOs sought PTF support in tackling the weaknesses in public auditing. In 2004, PTF made a grant to the *ACIJ*⁶, an Argentine CSO, to help strengthen the functioning of the National Audit Office⁷. *ACIJ* had been established in 2002 in association with the University of Palermo to work for better governance. The aim was to identify deficiencies in the work of the Congressional Commission responsible for reviewing audits⁸ and to propose improvements. *ACIJ* also planned to select audits that unearthed corruption to be used for a public education campaign. As the work proceeded, *ACIJ* found that the Congressional Commission had violated its own rules about open meetings and publication of its meeting minutes. It successfully sued to have the commission's meetings open to the public. It subsequently received minutes of earlier meetings. *ACIJ* also found that the commission was made up principally of representatives of the governing party, thereby excluding the most likely critics of the government. Equally worrying was the secrecy surrounding the commission's activities that deprived citizens of the information needed to hold the government's financial management to account.

ACIJ's study revealed that there was a lack of an established procedure for the executive to answer requests for information and to respond to queries about observed irregularities. Equally, there was no formal mechanism for implementing the commission's recommendations, which in any event were often too imprecisely formulated to allow follow-up. Finally, the activities of the commission were seen to interfere with the functional autonomy of the National Audit Office. Throughout this investigation *ACIJ* had to overcome the obstruction of the members and staff of the commission, forcing them to secure a legal injunction to compel the commission to release information.

ACIJ circulated its report directly to legislators and published it on their website. The report contained a number of important recommendations aimed at addressing the weaknesses that they had identified, including proposals for changes in the relevant laws, and changes in the commission's practices and procedures. Two draft new laws were presented to the authorities (*Camera de Diputados*) aimed at ensuring adequate participation by minority parties. These proposals were supported by three other important civil society groups⁹ which had members drawn from across the country.

⁶ Asociación Civil por la Igualdad y la Justicia.

⁷ Auditoría General de la Nación.

⁸ Comisión Parlamentaria Mixta Revisora de Cuentas.

⁹ Poder Ciudadano, CIPPEC and ADC

In 2005 ACIJ organized a workshop for journalists, ombudsmen, public prosecutors and students as a way of helping the National Audit Office to make contact with civil society and to enable the participants to better understand their work. This built on their previous informal initiatives to establish links with civil society. ACIJ also arranged a seminar with participants from a broad spectrum of interested stakeholders to debate issues of transparency and the monitoring of the public audit process and the related role of the media. ACIJ's report and subsequent follow-up received extensive media coverage—five significant articles in prominent newspapers and four radio interviews, as well as good coverage on the internet.

While reforms so far implemented are limited in scope, ACIJ's initiatives were a good start in promoting a more transparent public auditing system. ACIJ also held workshops to help people understand the National Audit Office, its work, and the context in which it operates and has in years that followed continued to promote the reform of the national audit system.

State institutions against corruption

In many ways complementary to the supreme audit, many states have put in place anti-corruption offices or commissions, as well as a range of regulatory institutions, generally intended to be independent of the executive, with powers to investigate and where appropriate prosecute cases of corruption and malfeasance. In some cases ombudsmen have been established who will often uncover corruption in responding to complaints against officials who have misbehaved. Since these institutions serve to clip the wings of those in power they often come under severe pressure. The ultimate checks against this are the countervailing pressures from two main sources: those competing political groups seeking to replace the ruling party and civil society both organized and informal, including the independent media. The former are unreliable partners in this endeavor since their principal aim is to take power, often so that they can benefit from the same malpractices. Or even if that was not their original intention, as history demonstrates so convincingly, power corrupts. Consequently, the only sure road to good governance is the eternal vigilance of ordinary citizens.

In Chapter 4 we described how *Globe International in Mongolia* had successfully helped the Public Council to monitor the Independent Authority Against Corruption so effectively that their actions resulted in the chairman and vice chairman being sent to prison for abuse of power and the misuse of funds.

In India, starting in 1997, the government responded to growing public dissatisfaction with corrupt and inefficient bureaucracy by putting in place citizen charters governing the behavior of the staff of public agencies in their interactions with the public. A citizens' charter expresses the commitment of a public agency to meet certain well-defined performance standards. It serves as a code of conduct, making clear to an agency's staff their duty to respond to citizens needs promptly, honestly and attentively and provides a channel for handling citizens' grievances.¹⁰ In 2002, PTF agreed to a request from *Transparency India* (TIN) to support a modest program to improve the effectiveness of citizen charters, focusing particularly on the National Capital Territory (Delhi Administration). This initiative was the inspiration of Shri S.D. Sharma, a charismatic figure of great moral authority, who had founded TIN. His aim was to investigate how citizens' charters functioned in practice and to persuade those in charge to correct weaknesses and make the agencies more responsive to

¹⁰ *Citizen Charters: Indian Experience*, <http://goicharters.nic.in/ccinitiative.htm>

citizens' needs. A core issue TIN sought to address was the ingrained corruption in most public agencies which directly harms those citizens the charters were designed to protect. The effective public dissemination of the contents of each charter is key to ensuring that citizens are aware of their rights. In practice, TIN found that there were serious flaws in the drafting of the charters and the agencies concerned mostly fell well short of the performance standards spelled out in their charters.¹¹

While the Delhi administration had been willing to sign up to citizens' charters, it had not written effective penalties into them making the agencies and its officials accountable and giving the charters real bite. Moreover, the public was either largely unaware of the charters' existence or was deeply cynical about their implementation. In the course of the project, TIN drew the attention of senior officials and politicians to these failings and successfully initiated a process of reform that has continued to this day. The fact that Sheila Dikshit, the then chief minister, was sympathetic to TIN's aims was crucial in moving this reform forward.¹²

Building on this experience, in 2005 PTF supported the *Public Affairs Centre* in Bangalore in undertaking a review of 533 citizen charters that had been promulgated in India since 1997. The research sought to answer the question "Can ordinary citizens actually use citizens' charters as a tool to demand service that meets established standards?" The short answer was a qualified 'yes', but it is profoundly ironic that the least effective charters are those in the social sectors where the needs were greatest, while the best were those catering for citizens who were most able to care for themselves. Nearly 74 percent of those surveyed was unaware of the citizen's charter program. Just 8 percent had actually seen and read a charter. The report set out nine recommendations¹³ that were subsequently discussed with the national government at the highest level and led to corrective measures being taken.

State-led anti-corruption programs

Again in response to growing popular discontent with official corruption, governments in many countries have put in place national anti-corruption programs. These offer an opportunity for CSOs to play a role in monitoring their implementation. PTF has supported such initiatives in countries as varied as Moldova, Sierra Leone, Tanzania and Venezuela. A good way for CSOs to start has been to map the various institutions involved in a country's integrity system and to identify their weaknesses and failings. This exercise has helped them to pinpoint where action is needed to strengthen the national integrity system and to provide a base line for designing an anti-corruption strategy that could be discussed with the government. Where the government already has such a strategy in place, then the national integrity survey can provide a basis for assessing that strategy and making recommendations to the government. This is exactly what *Transparencia Venezuela* attempted in 2005 - 6 with PTF support. Perhaps not surprisingly given the nature of the regime, this proved to be a frustrating initiative as a result of official obstruction—the withholding of information and a lack of any willingness to engage in the exercise. Nonetheless, *Transparencia's* report was eventually completed and has helped guide discussions within civil society on the need for

¹¹ *India's Citizen Charters: A Decade of Experience*, Public Affairs Centre, Bangalore (2008)
<http://unpan1.un.org/intradoc/groups/public/documents/eropa/unpan030868.pdf>

¹² *Project Completion Report*, India TIIN, March 2004 to be found at www.ptfund.org/where-we-work/south-asia/south-asia-project-reports

¹³ *Project Completion Report_India_PAC_2005* at <http://ptfund.org/where-we-work/south-asia/south-asia-project-reports>

reform. If and when circumstances change, this work could be a valuable contribution to defining a new anti-corruption strategy.¹⁴

In Moldova, PTF's experience was markedly different. The national chapter of Transparency International has been surprisingly effective in engaging with the government on its anti-corruption strategy. Starting in 2005, the Government of Moldova adopted and implemented a National Anti-Corruption Strategy divided into annual programs. These included, among others, a law prescribing a code of conduct for public servants, and putting in place laws on conflict of interest, corruption, financing political parties, access to information and on transparency in public decision-making. Assessments by *TI-Moldova* showed that many parts of these laws and programs had been badly written, contained discrepancies between the national and international anti-corruption legal frameworks and, in any event, had not been implemented. The assessments also showed that the institutions responsible for implementation were weak and riven by corruption and conflicts of interest.

TI-Moldova had for some time been an active member of country's official Working Group for Monitoring the Implementation of the National Anti-Corruption Strategy. The purpose of the working group was to monitor the implementation of the strategy and the associated annual action plans and propose corrective actions. The working group was mainly composed of representatives of central public institutions. Within the working group, TI-Moldova, along with two other NGOs, represented civil society and TI-Moldova's function was to verify the reports of the public institutions on the implementation of the strategy.

As it turned out, due to a political deadlock, the 2011 annual program was never approved and the working group was inactive for several months. So, with support from the Soros Foundation and PTF, TI-Moldova decided to focus on the monitoring and implementation of certain parts of previous years' programs which were still being implemented:

- Improving the quality of information placed on the websites of public organizations;
- Creating and maintaining mechanisms to allow citizens to report on cases of corruption, particularly via the hot-lines and petition system;
- Promoting transparency in public procurement;
- Improving the mechanism for the declaration of incomes and assets by public servants;
- Implementing the Law on Conflict of Interest;
- Ensuring transparent recruitment of public officers;
- Making the internal mechanisms for corruption prevention work better; and
- Assessing the risk of corruption in various public institutions.

TI-Moldova particularly targeted the Fiscal Inspectorate of the Ministry of Finance, and the Ministries of Information; Labor, Social Protection and Family; and Education. Against great odds, including a poorly functioning working group, they succeeded in focusing officials' attention on the poor implementation of the national anti-corruption strategy and to galvanize official action on properly implementing the Law on Conflict of Interest, including sanctioning public servants for not submitting their declarations of interests and of incomes

¹⁴ Many of Transparency International's national chapters have completed thorough national integrity system assessments that have proved immensely useful as a basis for elaborating national anti-corruption strategies (see <http://www.transparency.org/whatwedo/nis>). The Center for Global Integrity, a US based NGO, has also supported a series of invaluable country integrity assessments (see <http://www.globalintegrity.org>).

and assets as required by law; and preparation of a regulation on the ‘hotlines’ in public institutions to report corruption. These procedures include publishing the declarations on the internet.

Pressure from the European Commission largely explains why officials were reasonably responsive to these initiatives given Moldova’s wish to join the European Union. Judging from what happened in the case of Romania and, especially, Bulgaria we cannot assume any sudden fundamental change of heart among Eastern European governments which have corrupt practices ingrained deeply engrained in their DNA.¹⁵ Yet, it is also evident from Moldova’s experience that with strong incentives, there can be a change in behavior toward greater integrity. But true reform is an uphill battle. The great error that the European Union made, which hopefully will not be repeated in the case of Moldova, was to admit countries for reasons of political expediency before the integrity reforms were fully in place and then to relax pressure once the accession treaties had been signed.

Compared to Moldova, PTF’s experience in Tanzania and Sierra Leone was disappointing. It was particularly so in Tanzania in 2006 where *Concern for Development Initiative in Africa* (known for short in Tanzania as ForDIA) received a PTF grant to monitor the implementation of the National Anti-Corruption Strategy and Action Plans. ForDIA established eight regional centers to report on corruption cases. Their reports were passed on to the government’s Good Governance Coordination Unit. Depending on the information collected, monthly forums were held in eight different locations attended by key people from the government, private sector and civil society, to discuss ForDIA’s reports. In a frank assessment of these activities Brian Cooksey, a locally based researcher, noted that many of those present at the forums were often the source of the corruption being discussed—the police in particular. He questioned whether, in these circumstances, encouraging the public to expose examples of corruption was responsible, given the propensity for the ‘agents of state power’ to victimize and harass their critics, especially in the absence of whistle-blower legislation to protect them. He also worried about the CSOs’ tendency to focus on minor corruption, while ignoring the much more serious cases of grand corruption which he saw as far more harmful.¹⁶

About the same time, PTF was asked by the *National Accountability Group*, a CSO in Sierra Leone, to help them build public awareness of the country’s newly minted national anti-corruption strategy. This initiative was typical of many such voluntary efforts in other countries to educate the public on fighting corruption and create groups of ‘concerned citizens’. A workshop was held to design a dissemination plan and to inform those involved on the fundamentals of the anti-corruption strategy. NAG formed two teams, each including a representative from the Anti-Corruption Commission and NAG and trained people to carry out the plan. The end product was a report that set out the public’s reaction to the reforms and a set of recommendations addressed to the government. It is hard to claim that these activities did much to reduce corruption, but they did help bolster the public profile of the Anti-Corruption Commission and start a slow, hesitant process to change public attitudes towards

¹⁵ In July 2012 the European Commission sharply criticized Romania and Bulgaria for failing to root out corruption in its state institutions. In Romania, government pressure on the judiciary was seen as compromising their independence while corruption and organized crime plagued Bulgaria. The Economic Commission was reported to have put both countries under “special surveillance”. (<http://www.bbc.co.uk/news/world-europe-18889374>).

¹⁶ Brian Cooksey, *Notes on ForDIA NACSAP Triangulation Programme (NATPP) 2005 Annual Progress Report: A critical Review*, MS, January 2007.

corruption on which future initiatives could build. There has been evidence of their success in the campaign for a Freedom of Information Act launched by the Society for Democratic Initiatives in 2008, described in Chapter 7, with citizens becoming increasingly militant.

Because of a common gap between establishing national anti-corruption offices and genuine government action to curb corrupt practices, CSOs have often preferred to focus on more concrete actions which are viewed as more likely to stop official abuses, as already described in the country chapters (Chapters 3 - 6). The chapters that follow describe examples drawn from PTF-supported initiatives grouped thematically.

Chapter Nine

Honest Buying and Selling

Buying and selling by public agencies offers endless opportunities for dishonest officials to make money. With large contracts the amounts skimmed off can be huge—in some cases tens of millions of dollars. The problem is illustrated by an old joke which captures succinctly what goes on. It is the story of a minister of public works visiting his counterpart in a neighboring country and being entertained most lavishly at his host's palatial private home. "How can you afford all this?" asked the minister incredulously pointing to all the finery. "Oh, easily," replies the host, inviting his visitor to step onto his veranda. "You see the school over there" indicating a group of buildings in the distance, "me 10 percent!" When the host returned the visit the following year, he was entertained even more lavishly, at a home even more grand than his own and with food served from gilt plates. "Goodness gracious," blurted out the visitor, "You have done well! How did you do it?" "Come to the window," invited his host. "You see that bridge over there?" His guest peered into the evening mist, but couldn't make out the bridge. "Me 100 percent" chuckled the host.

Making procurement corruption free

Over the years considerable effort has gone into devising public procurement and contract tendering procedures that are corruption-free, nowadays raised to a fine yet still flawed art. Ultimately, honest procurement depends on respecting a few critical principles—fair competition, transparency, and objectivity, with each step governed by well-defined procedures rigorously observed. Where trust is in short supply, the presence of independent observers can put pressure on all participants to respect the procedures and help give the public some confidence in the process. Local civil society organizations can play a key role by providing this external oversight, complementing, not replacing, any official mechanisms to track and check the performance of the public procurement and tendering agencies. In Chapter 6 we described how the *Evelio B. Javier Foundation* has mobilized volunteer groups to participate in the Bids and Awards Committees of both the national and local governments in the Philippines. While their presence undoubtedly discourages corrupt procurement, the benefits have yet to be precisely measured and, indeed, cannot be. In the examples that follow, the reduction in corruption has been quantified and comes to millions of dollars. Admittedly, the methodology for these estimates is rough and ready, but there is little room to doubt that the amounts 'saved' are impressive, especially when compared to the few thousand dollars invested in civil society monitoring.

Since 2000, PTF has supported as many as 25 separate CSO monitoring projects aimed at making procurement more honest. Two of the most dramatic of these—dramatic in terms of the millions of dollars 'saved'—depended on putting in place *integrity pacts*,¹ one in Pakistan, the other in Latvia. More recently, PTF has supported an ambitious set of integrity pacts in India. The remainder of the projects involved more straightforward citizen monitoring such as that in the Philippines described above.

Transparency International has been at the forefront in designing and perfecting integrity pacts, a tool for preventing corruption in major public contracts. The core feature is

¹ http://www.transparency.org/whatwedo/tools/resources_about_integrity_pacts/3

an agreement between the government agency seeking to let a contract and the companies bidding for it that they will abstain from bribery, collusion and other corrupt practices for the duration of the contract. Under the pact the tendering process is independently monitored by a local CSO with a strong reputation for integrity and considered acceptable to all parties. This CSO is given access to all the documentation, is equally bound by the commitment to transparency, and is present from beginning to end. Ideally, its monitoring continues during the implementation of the contract. In some cases more than one CSO may participate in monitoring. And their role is not passive; as soon as any irregularities are noted they are to be reported to the government and, if not corrected, may lead to the effective suspension of the pact and considerable adverse publicity, something all parties would normally wish to avoid.

More specifically, the integrity pact aims to reduce the high cost and the distortionary impact of corruption on public procurement through:

- A formal no-bribery commitment by *all* bidders (plus the selected contractors and sub-contractors) as part of the signed tender document giving bidders confidence that their competitors will also refrain from bribing. Preferably, this will include the adoption of a company *Code of Conduct* and a *Compliance Program*.
- The public procurement agency's commitment to an anti-corruption policy that binds their officials to follow transparent procedures and not seek or accept bribes.
- Civil society monitoring of the bid evaluations, the award decision process and the implementation of the contract, either through its own staff or members or through an independent external expert selected and supervised by the CSO.
- A commitment to integrity on the part of the consulting engineers, and other consultants involved, who have a critical role in the preparation of the procurement documents, evaluating the bids and supervising contract execution. This includes the public disclosure of the award decisions, including the major elements of the evaluation and the reasons for the selection of the successful bidder.
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Big Savings for the Karachi Water and Sewerage Board

In Pakistan in June 2001, the *Nedians*, an association of retired public engineers in Karachi, persuaded the chairman and the managing director of the Karachi Water and Sewerage Board to put an integrity pact in place to ensure transparency and accountability in a contract for the implementation of the Greater Karachi Water Supply Scheme.² The total cost of the project was estimated at around US\$100 million. If successful, the hope was that the government would be persuaded to use integrity pacts more widely in Pakistan. In implementing the scheme, the Nedians sought the support of lawyers, journalists and financial experts. PTF funded Michael Wiehen, a German lawyer who had pioneered the original conception and development of integrity pacts, to advise the Nedians on how to carry out a detailed examination of KWSB's management system—its rules, statutes, and channels of approvals, and identify legal hindrances and lacunas in their system of contracting. With this assistance, the Nedians' team was able to advise KWSB on how to introduce an integrity pact compatible with local requirements and conditions and helped prepare the necessary legal and technical documentation. A special challenge was to remove opportunities for discretionary decision-making in evaluating consultants and contractors during the tendering and short-listing stages, to commit companies to abstain from bribing and to ensure that all stages of the tendering, bid evaluation and choice of contractor were open and transparent.

² Greater Karachi Water Supply Scheme Phase-V, Stage II, 2nd 100 MGD project (K-III Project) with an estimated contract value of more than six billion Pk. rupees.

Local surveys, interviews and training workshops were arranged to ensure that everyone involved—including the staff and managers of KWSB, prospective contractors, the media and local civil society organizations—all understood the concept and the specific application of the proposed integrity pact. The team also included volunteers who ensured appropriate media coverage.

The project had two phases: first, a review of existing laws, regulations, contracts and other technical documents to see how best to fit the integrity pact into existing procedures and, second, applying it to the KWSB K-III Project. This involved research, consultations and agreements with stakeholders, local workshops, and a media campaign.

The integrity pact was designed to be flexible and open to adjustments when problems arose. It was implemented without major problems. The Nedianis' inputs included the review of procedures, regulations, laws and other specifications, as well as seminars and workshops that were supported by a robust media campaign which contributed to the successful implementation of the project.

The KWSB project had two components: an engineering contract for consultants to carry out the design and supervision; and a construction contract. Before beginning the tender process for the engineering contract, the Nedianis requested members of the steering committees to sign the Pakistan Engineering Council's code of conduct for engineers. In August 2001, a 'letter of invitation' was presented to the coordination committee and the Nedianis for review before it was seen by the short-listed consultants who were to bid on the contract. The letter set out the new approach, and specified the proposed method of selection of consultants. This set out a 'minimum qualifying mark' for the quality of the bids. Proposals were to be submitted in two envelopes. Technical envelopes were to be opened first and evaluated. Those securing less than the minimum marks were to be rejected and the financial envelopes of the rest were to be opened in public. The firm with the lowest price would then be selected.

Following full discussions with the coordination committee and with the short-listed consultants at pre-bid meetings, the integrity pact approach was accepted by all parties. In September 2001, the short-listed consultants submitted their bids. All short-listed consultants signed the integrity pact. There was no resistance to the new procedures. After evaluating the technical proposals, publicly opening and then assessing the financial proposals, and dealing with minor problems that arose with the bidding procedure, the KWSB evaluating committee chose the winning bid.³ The actual signed contract was for US\$1 million compared to KSBW engineers' original estimate of US\$4 million, an estimate that had been based on past experience in the absence of an integrity pact, and which by implication included money for bribes.

As a result of a complaint that Pakistan Engineering Council procedures had not been scrupulously followed, the six competing firms were required to resubmit their technical and financial proposals and the whole process of evaluation began again. The Nedianis saw this as an attempt to manipulate the outcome. However, the mayor of Karachi intervened to insist that while the council's procedures were to be followed, the winning contract must still be awarded to the lowest cost bidder. The award procedure agreed with the council was for the top ranking firm to be invited to negotiate the financial costs, and if these negotiations failed, then the 2nd ranking firm was to be invited for negotiations, and if that also fails, for the 3rd

³ The bid evaluation was based on the Least Cost Method.

ranking firm to be invited.⁴ Thus the negotiations of financial costs might result in the contract being awarded at a cost even lower than the lowest bid. Steps were taken to weave the Council’s procedures into the already agreed integrity pact arrangements, in part as an effort to satisfy bidders, but still maintain the essential features of the integrity pact.

At this stage, the management of KWSB, supported by the Nedians, fully implemented the Council’s prescribed ‘Procurement Standards in the Process of Tendering of Services and Works’. The tendering for the construction stage was reorganized into packages, and 18 tenders were combined and reduced to 8 packages. This arrangement was essential in order not only to make the tendering process less onerous for the bidders and to allow the tender to be awarded speedily, but also to make monitoring easier.

Based on a comparison between the KWSB staff estimates and the actual final contract award costs, the total savings for the various contracts resulting from following the integrity pact procedures may be estimated as follows:

Table showing estimated savings from the KWSB integrity pact

(in millions of US dollars: US\$1=61 Pk. rupees)

<i>Nature of contract</i>	<i>Staff Estimated Cost</i>	<i>Contract Award Cost</i>	<i>Saving</i>
Design & Supervision	4	1	3
Construction	86.6	72.9	13.7
Total	90.6	73.9	16.7

The Nedians, who had an intimate knowledge of contracting public works in Pakistan, were convinced that the net ‘saving’ of about US\$16.7 million out of a total estimated contract cost of US\$90.7 million was due to greater transparency in the procedures adopted for the award of the contracts, accompanied by independent scrutiny. The process not only prevented bid rigging, but also led to both increased competition and better quality bids. Whether or not their claim is fully accepted, there can be little question that a relatively small PTF ‘investment’ of around US\$25,000 resulted in savings running to several million dollars. No one can say exactly how much public money was actually saved, but it is widely believed that such large contracts in Pakistan had built-in payoffs ranging from 10 to 20 percent. This project demonstrated that a well-managed integrity pact could squeeze out a large part of these payments.

What were the lessons learned from this experience? First, flexibility and agility played a major role in the success of the project. Faced by initial resistance to adopting the integrity pact, the Nedians worked patiently with the management of KWSB and were willing to make adjustments to meet the concerns of the consultants and the Pakistan government. But when objections threatened to undermine the pact, the Nedians succeeded in obtaining the concessions needed to retain its key elements. This was possible for several reasons. First, the Nedians, as retired senior public works engineers, were thoroughly versed in the local public

⁴ Transparency International Pakistan. *Integrity Pact for Transparency in Public Procurement Procedures with the Karachi Water & Sewerage Board*. Greater Karachi Water Supply Scheme. Karachi, Pakistan.

works contracting business and had excellent relevant professional expertise that was acknowledged and respected by the KSWB managers and staff. Second, the Nedians, by virtue of their professional and civil service seniority, had good access to the key senior decision-makers in the government and were successful in attracting their support—particularly that of the governor of Sind Province. Third, the Nedians were skillful in explaining to all concerned the nature, design and value of the integrity pact through workshops attended by the main stakeholders and meetings with high level officials, drawing on Michael Wiehen’s expertise. And lastly, the Nedians were led by a determined and visionary individual, Shaukat Omari, who was relentless in pursuing the project’s objectives. Shaukat had had a long career as a public works engineer and was very familiar with all the malpractices used by unscrupulous public employees to extract ‘rents’ from public contracts. He was determined to do what he could to stop these practices.

The benefits of this initiative were not only the direct savings, which went way beyond anyone’s expectations, but also the wider benefits of demonstrating the effectiveness of an integrity pact in reducing the opportunities for corruption in awarding a major contract. This set an example for the wider adoption within Pakistan, as well as in other countries. This indirect impact was evident from the mayor of Karachi’s decision to use integrity pacts for all major future city contracts. Furthermore, the central government also announced that it would examine the feasibility of using such pacts.

At a workshop of National Accountability Bureau in July 2002, TI-Pakistan (of which the Nedians had by that time become part) presented results of the KWSB integrity pact and its recommendations for more transparent public procurement were officially endorsed and included in the National Anti-Corruption Strategy approved by the president of Pakistan in October 2002. In June 2004, the Pakistan Ministry of Finance issued new public procurement rules incorporating most of the steps of an integrity pact which were then made mandatory for all tenders above PK.Rs10 million.

Sadly, the story, as far as Pakistan is concerned, has a discouraging ending. Subsequent events at the KWSB proved disappointing. A change of chairman of the Board led to reversal of the policy; the Board has not used integrity pacts in any subsequent procurement. And the central government did not follow through on its pledge to allow genuinely independent CSO monitoring of integrity pacts as standard and, as experience in other countries has shown, is required for sound procurement for major projects. Nor has TI-Pakistan shown the same drive and leadership as the Nedians in promoting the use of integrity pacts. Unless civil society maintains strong pressure on government, officials easily slip back into their lucrative past practices. Nonetheless, this experiment was successful in making people both within Pakistan and across the world aware of the concept and the usefulness of integrity pacts and has inspired their adoption elsewhere.

Latvia’s National Library

Pakistan was not alone in experimenting with integrity pacts to tackle corruption in public contracting. Around the same time, *Delna*⁵, a CSO in Latvia, had used an integrity pact to track the privatization of the Latvian Shipping Company, and in 2004 the Minister of Culture, recognizing the high level of corruption associated with major public works, invited Delna to monitor the bidding for the construction of Latvia’s new National Library in Riga and

⁵ Delna is Latvia’s national chapter of Transparency International.

subsequently to monitor its construction, including sub-contracting. The agreed tool to achieve this was a new integrity pact.

The total cost of the library was estimated at roughly US\$300 million and over time increased to close to US\$390 million—a huge amount for a small country with an annual per capita GDP of US\$15,000. Latvia’s construction industry was notoriously corrupt, and the public was acutely aware that this project would be seen by various unscrupulous contractors as offering exceptional opportunities for enrichment. And, indeed, throughout this project Delna was sorely taxed in its efforts to maintain the provisions of the integrity pact.

There was already another civil society body, the National Library Support Foundation, involved in the National Library project, as well as the State Advisory Council. The foundation was engaged mainly in awareness-raising activities and collecting donations. The State Advisory Council consisted of representatives of the Ministry of Culture, Ministry of Finance, parliament, Riga City Council and the foundation. The council was responsible for approving the plans for the financing and building of the library, but it had no responsibility for monitoring the contract bidding process. And the council did not report to the public. Delna worked with the foundation and the State Advisory Committee as its main partners in implementing the integrity pact.

The construction of a National Library was a project of great national pride. The national library was housed in several old buildings, most in very poor condition, having been neglected in Soviet times. The internationally acclaimed Latvian architect Gunnar Birkerts had designed a new National Library at the end of 1980s, but it was only 2002 that a decision was taken to build it. The new government that took office in 2004 made the construction of the new Library a national priority. It established a new state agency (‘Jaunie Trīs Brāļi’⁶ or the Three Brothers) in April, 2005 to manage the construction of the library along with two other prestige projects—a concert hall and a Museum of Contemporary Arts. The agency was overseen by the Ministry of Culture.

The integrity pact was drafted with advice again from Michael Wiehen. To a large extent it was based on the pact used by TI-Germany to monitor the construction of Berlin’s new Berlin-Brandenburg international airport. The pact was signed on 2nd September 2005 by the Minister of Culture, Helena Demakova, the head of the agency, Zigurds Magone, and Delna’s chairperson, Roberts Putnis. The main aim of the pact was to stop corruption, unethical behavior, and inefficient procedures during construction and promote transparency. The pact assigned to Delna responsibility for monitoring the decisions and activities of the ministry and the agency. To facilitate this task, permission was given for Delna’s representatives to participate in the internal meetings of the ministry and the agency and to question officials about proposed plans and decisions. It was given access to all official documents related to the library project, including financial information. Furthermore, Delna was expected to investigate complaints submitted by third parties.

⁶ An allusion to the famous group of three medieval buildings in Old Riga, called the Three Brothers.

Delna enlisted experts to assist it in reviewing documents. The Ministry of Culture and



the other government agencies involved were expected to ensure that an anti-corruption declaration was included in every procurement contract, including sub-contracts. All suppliers who violated or refused to sign the declaration were to be excluded from further participation in tenders and existing contracts with them were to be terminated. If bidders, contractors or public officials of the ministry or agencies, were suspected of corruption, the prosecutor general was to be informed. In addition to ensuring an honest and transparent contracting process, the integrity pact was seen as a means of reducing construction costs and encouraging contractors and suppliers to adopt more honest practices. Delna even hoped that this experience might lead to improvements in the legislation governing public procurement and contracting.

Latvia's National library: checking progress

The first task of the Three Brothers' Agency was to transform Birkerts' architectural designs into detailed bidding documents. Birkerts' concept was for a large iconic inner city building which had major implications for the adjacent urban infrastructure and transport patterns. These required detailed investigation involving site studies, the design of complex building services and information and security systems, and the related detailed drawings. To accomplish all this, the agency clearly needed the help of a multi-disciplinary professional team. Consequently, they hired Hill International, a firm with an international reputation, to do this work. Towards the end of 2007, Hill International completed detailed bidding documents for (i) the construction of the library building, excluding off-site infrastructure; (ii) supervision of the construction; and (iii) checking and testing compliance with specifications and design changes agreed during construction. It is a matter of public concern that the last two contracts were awarded to Hill International—the former after 'closed competition' and the latter was a negotiated contract—in a manner that seemed less than fully transparent. They were signed on May 15 2008, the same date as the signing of the construction contract. The total value of Hill International's contracts connected with the design and supervision of construction of the library amounted to some US\$23.6 million.⁷

In the initial two years after the signing of the pact, Delna concentrated its efforts on assisting the agency to establish anti-corruption procedures within the agency and in its relations with other entities within and outside government involved in the project. Delna also prepared a code of ethics for the Ministry of Culture. Delna's representatives attended weekly planning meetings in the Ministry of Culture and the meetings of the Procurement Commission, liaised with the Library Support Foundation and the State Advisory Council and visited the building site. They also analyzed the procurement requirements and the signed contracts. Contracts concluded before the signing of integrity pact were reviewed as well to check for interconnections between the owners and managers of the various companies involved, the possibility that procurement had been divided into small lots in order to avoid open bidding, and the possibility that services or goods purchased by agencies were used by third parties. Delna monitored all public information about bidders published in the previous three years to expose possible involvement in corruption. And Delna's retroactive review of the details of the National Library contract before it became involved led to an investigation by the prosecutor general into the legality of various actions by civil servants. In addition,

⁷ 10.5 million lats.

Delna successfully submitted an application to the Constitutional Court to investigate the constitutionality of the circumvention of public procurement laws by several cabinet ministers. Delna also provided training on the principles and practice of integrity pacts to those involved.

Delna argued that the practice of government agencies charging bidders a fee for procurement documentation was unfair; in response, the agencies agreed to put all the procurement documentation on the official website. The procedure of public discussion with potential competitors before each procurement competition was also accepted. The law provided for a public tendering for purchases of goods and services over US\$98,000,⁸ but there was no procedure for procurement below that amount. Moreover, the practice of allowing only one bidder increased the risk of corruption. Consequently, Delna insisted that all procurement should be subject to competitive bidding.

As the project proceeded, Delna became increasingly critical of the way the Ministry of Culture, the agency and the main contractors handled their responsibilities. There were numerous breaches of the integrity pact. Delna was able to secure some corrections, but many irregularities continued throughout. Delna identified instances of outright corruption, which were never followed up by the relevant authorities. By the end of 2006 Delna was reporting that the agency was unable or unwilling to ensure the full implementation of the anti-corruption declaration. At the same time the agency was blaming Delna for not enforcing the integrity pact with the contractors, while Delna maintained that that was the agency's responsibility and, in any event, the power of enforcement rested with the agency, not Delna. Not surprisingly, it became increasingly evident that the integrity pact was not alone sufficient to stamp out in one go all of Latvia's deep-rooted corruption and inefficiencies. That would require a more fundamental change in attitudes and behavior by both officials and contractors. However, Delna's ability to make public its findings with devastating frankness without apparently compromising their good access to key decision-makers was impressive.

In early 2008, Delna became distracted by more urgent issues related to monitoring the national elections. These activities were funded on the basis of contributions promised by various prominent citizens but never actually paid. This led to a financial crisis for Delna and the departure of its chief executive, Roberts Putnis. It took several months to put Delna back on course and during this period the monitoring of the National Library project was neglected. Meanwhile, the award of contracts continued. Delna was not much involved in reviewing the final construction contract, nor did it send to the agency the required quarterly reports. This was unfortunate, since Delna has since maintained that the process followed was not consistent with the procurement law even though the final outcome was approved by the ministerial committee. Delna has since decided to challenge the government in the Constitutional Court alleging that the contract illegally limited the state's oversight rights. The court has yet to rule on this case.

Over 100 contractors around the world were invited to tender, but in the end only two Latvian and one Estonian company submitted bids. The Estonian bidder was rejected when the company refused to sign the anti-corruption declaration. Since the Latvian bids were considered to be on the high side, the agency was given permission to enter into negotiations with the bidders—the National Association of Construction Companies (NACC) and SIA Re & Re, a grouping of construction companies. NACC was awarded a 'measurement contract' based on a bill of quantities. Significantly, a year later the National Audit Office concluded

⁸ 50,000 lats.

that any bid over US\$243 million⁹ “exceeds the upper limit of economic rationality based on the current market situation”. The final contract sum exceeded this limit by US\$39 million¹⁰. Part of the problem may be traced to the changing economic conditions in Latvia; the original budgets were drawn up in the boom conditions of 2008. Hill International estimated that by 2009 costs had fallen by as much as 30 percent.

In early May 2008 there was a public TV debate on the project that was prepared and co-managed by Delna, followed by a Delna-inspired public round table, at which the losing bidder stated that the selection process had been correct and fair. Right after the round table, Delna announced its approval of the contract.

In November 2008, PTF provided a new grant to enable Delna to resume its role of monitoring contracting and construction. The implementation of the project was now threatened by the deepening world economic crisis which had a particularly severe impact on Latvia. In response, the Latvian parliament decided to reduce drastically the 2009 budget. A contract for the design of the concert hall was cancelled, partly as a result of Delna drawing attention to corrupt practices and partly because funds were not available. The cost of halting the National Library project was considered by the government to be too high, so construction continued amidst all the uncertainty and Delna continued to monitor its implementation. The agency further complicated the situation by requesting the general contractor to reduce prices outside the formula agreed in the contract, rather than ask for the contract to be renegotiated which would have allowed the contractor to reduce its scope to take account of the reduced funding. This non-transparent process left the project open to corruption and waste.

Notwithstanding the flaws in the construction contract, the agency had the right to renegotiate the specifications for some of the project elements such as the thickness of the stainless steel roof and the design of the windows in order to stay within their budget and to make up for inflationary cost increases. It was agreed with Hill International that some of the specifications could be reduced without endangering the integrity or structural safety of the building. The agency agreed with the contractor on a transparent process—termed ‘value engineering’—for determining variations to the contract to take account of inflation following a formula that largely eliminated scope for ‘discretion’. Delna needed to watch carefully all physical and price variations as these could have become an obvious source of corruption. The agency also had a clear agreement with the main contractor that all sub-contractors had to submit an anti-corruption declaration.

One critical weakness in this process was the lack of oversight of the sub-contractors. 80 percent of the work done by sub-contractors took place under agreements that were not made available to either Hill International or the Ministry of Culture. Another loophole was the provision in the contracts—as much as 7 percent—to cover unforeseen events which seems unlikely to be recovered even when there are no agreed unforeseen events. Any future use of an integrity pact for a similar project would need to cover both these aspects.

PTF had become increasingly aware that Delna did not have the technical competence to monitor the complex contracting processes, nor did either the government’s agency or the Ministry of Culture have the skills to oversee the project for which they were responsible. In July 2009, the Minister of Culture disbanded the agency and moved oversight of the library project into the ministry. This led to heavy dependence on Hill International. As a consequence neither the contractor nor Hill International had any official in the ministry with

⁹ Equal to 116.5 million lats.

¹⁰ Equal to 18.8 million lats.

the relevant professional competence with whom they could interact on a day-to-day basis. Moreover Delna, also lacking anyone with the level of technical competence needed to interact with Hill International, was effectively denied the kind of access required to fulfill its role. At this point PTF sought to convince Delna that they needed a technical adviser of some standing to engage credibly with the Minister of Culture to convince him that there were weaknesses in the oversight of the project which needed to be corrected.

Delna requested PTF support to strengthen its technical capability. PTF agreed to send one of its volunteer advisers, David Cook, to assist. Cook was a retired World Bank senior urban engineer with immense experience in supervising large urban development projects around the world—in Manila, Cairo, Calcutta and many other major cities. He was able to help Delna talk on equal terms to Hill International's engineers and question why it had not been possible to put a stop to the abuses and waste which seemed to plague the implementation of this project. Delna also recruited the services of an experienced local engineer to assist them. He came to play a critical role in Delna's continuing monitoring of the project through to its completion. While an integrity pact provides a valuable framework for independent monitoring, its effectiveness in stopping corruption is heavily dependent on the specialist knowledge and experience of those undertaking the monitoring.

When the Latvian government's financial position continued to worsen in 2010, the IMF insisted on further substantial budget cuts which led to a postponement of the library's completion date even though every effort was made to limit delays that added to the costs of construction. Learning from its past failings, Delna was able to play an effective role in monitoring the variations in the main contract and sub-contracts and their implementation through 2010 to 2012. Also, Delna and the Ministry of Culture worked together to streamline the procurement process for the library's fittings, furnishings and equipment and to strengthen coordination between government agencies. Its efforts have also exposed various alleged fraudulent practices amongst cabinet ministers and government employees who were able to benefit from the earlier, un-monitored and largely secretive processes.

Delna was the inspiration of Inese Voika, a courageous Latvian journalist who has made a reputation in Latvia for her investigations into grand corruption. This has earned her the enmity of some powerful businessmen and politicians and led to threats. She handed over responsibility for running Delna to Roberts Putnis in 2007, who in turn was replaced as Director by Laura Mikelstone in 2008. Laura resigned in 2010 when the present director, Kristaps Petermanis took over. In short Delna has had a succession of dedicated leaders, but the lack of continuity was damaging to its effectiveness. Likewise in Karachi, Shaukat Omari resigned shortly after the Nedians merged with Transparency International-Pakistan and momentum was again lost. This highlights one of the common weaknesses of CSOs—the high turnover of key staff.

I have dwelt at some length on the details of these two integrity pacts because they demonstrate the remarkable impact that civil society monitoring can have at a very modest cost compared to the huge 'savings' from reduced corruption. Major construction projects can easily lead to huge sums being misappropriated by corrupt official and contractors. We have seen that these losses can be greatly reduced, if not entirely eliminated, through the application of an integrity pact. Clearly for a pact to be effective requires the support of the political leadership or at least their willingness not to subvert it, but the fact that these results were achieved with politics and circumstances as different as those of Pakistan and Latvia gives scope for the adaptation of integrity pacts in widely different country situations. By the

end of 2011 integrity pacts had been adopted in some 15 countries though they had been applied in each country to only a few select major projects.¹¹ As so often, India is an exception.

Integrity pacts in India

Over the past two years, *TI-India* has signed memoranda of understanding with 45 large public sector corporations to use integrity pacts to govern their major procurement contracts. These arrangements are supported by the government's Central Vigilance Commission and the Ministry of Finance. As a result, every month some 20 to 30 contracts are subject to integrity pacts and so far more than 10,000 have been signed. In each case, after consultations between the public sector corporation concerned and *TI-India*, *independent external monitors* are nominated and their names are passed to the Central Vigilance Commission for verification and approval. In this way, *TI-India* has a major say in the selection of the monitors, who effectively become *TI-India*'s partners; in some cases they are members of *TI-India*. As the contracts are very large, and the monitors are present to provide oversight, *TI-India* becomes directly involved only if one of the parties—for example, one of the bidders with a complaint—directly requests it to intervene.

With PTF support, in 2011 *TI-India* undertook a detailed assessment of the effectiveness of integrity pacts in India.¹² This included a survey of the views of the different stakeholders. Around 95 percent of the public sector corporations involved view the pacts as successful in making the procurement process more transparent. For example, the Gas Authority of India estimated that they were able to save around US\$70 million through the use of integrity pacts in two tenders alone¹³ and Central Coalfields Ltd were able to reduce the costs of drills by around 25 percent, saving around US\$41,000 for each drill. Similar success stories have been reported by the South Eastern Coalfields Ltd. and the Shipping Corporation of India.

Private firms' responses to the survey revealed that they generally welcomed the use of integrity pacts as they had previously seen themselves more the victims than the beneficiaries of corruption. Yet in truth the firms often remain instrumental to corruption, working hand in glove with public officers. So far, two private bidders have been blacklisted for violations of their pact. Bribery among officials of private firms, too, is rampant, with the staff of one private firm paying bribes to others to get deals done.

The survey found that the majority of the independent external monitors were retired bureaucrats and the report recommended that a greater effort was needed to diversify the pool of monitors to include those with work experience in the private sector, the media and academia, whilst still being careful to select only persons with reputations of impeccable integrity. To ensure integrity throughout, the report emphasized the need to make those

¹¹ In 2003, the Pakistan Government had decided to adopt integrity pacts for all major projects but had effectively removed from the process monitoring by independent CSOs. There is no evidence that the tool is being currently used in Pakistan.

¹² *Assessment of Integrity Pacts in IP Compliant Public Sector Undertakings*, Transparency International India, December 2011.

¹³ This impressive saving resulted from re-tendering for two contracts for large diameter carbon steel pipes for the VDPL project and Dahej Vijaipur Upgradation Project (DVLP-2) proposed by the independent external monitors and endorsed by *TI-India*. Fresh bids resulted in a decrease in the contract price of Rs 2970.5 million compared to the original price in the first case and Rs. 645.7 million in the second case.

involved more fully aware of the legal-ethical principles that governed a properly run integrity pact. Those in charge of the procurement process needed to understand better good procurement practices. In short, all those involved, including vendors, need to know what is expected of them and how they should behave. This requires both clear guidelines and constant training.

Other integrity pacts¹⁴

Not all integrity pacts supported by PTF have been successful. PTF funds were to be used to support *TI-Indonesia's* efforts to establish an integrity pact with Indonesia's Election Commission in a futile effort to achieve more transparency in its expenditures for the 2002 election. During the previous election in 1999 the Commission had spent over US\$200 million and massive misuse of funds had been alleged. TI-Indonesia drafted an integrity pact, trained everyone involved, and recruited a monitoring team. However, the head of the Electoral Commission was replaced and the new appointee refused to proceed with the pact and the initiative collapsed. The grant was diverted to support an alternative initiative to establish integrity pacts with three local district authorities—Solo, Tanah Data, and Wonosobo—covering local procurement. In contrast to the TI-Indonesia's dealings with the Electoral Commission, where they seemed to treat the signing of an integrity pact as the main objective, in the second case TI-Indonesia gave much greater weight to building support and changing attitudes. The project was successfully implemented and served as a model for the 300 or more other districts in the country.

In Peru, with PTF assistance, a CSO called *Proética*¹⁵ promoted three integrity pacts: one with the regional government of Lambayeque for the procurement of fuel and lubricants and two others with the Ministry of the Interior—one for the procurement of fuel and lubricants for the national police and the other for the purchase of medical supplies for the national police health fund. *Proética* also provided the Regional Government of Lambayeque with a corruption risks' chart that helped them put in place mitigating measures.

In the case of Lambayeque, *Proética* commissioned a petroleum marketing expert to review the tenders. He proposed various changes that the regional authorities accepted which were crucial to correct deficiencies in the tender documents that were then posted on the internet for public comment. The comments received were taken into account in finalizing the documents. In the case of medical and fuel supplies for the police, *Proética* likewise engaged experts to review the tender documents. Their suggestions led to a number of overvalued prices being corrected and the police accepted various other suggestions to improve transparency and reduce corruption. However, subsequently the Minister of the Interior resigned and his replacement suspended the tendering process. In short, in this business CSOs win some cases and lose others.

Although, as we have seen, integrity pacts can provide a valuable framework for the independent monitoring of procurement, it would be naïve not to recognize that there is still often considerable scope for corrupt officials in collusion with bidders to extract corrupt payments. For example, in the case of construction projects the person responsible for preparing bidding documents may 'refine' feasibility estimates by pricing up the 'bills of

¹⁴ This refers only to integrity pacts supported by PTF; there have been integrity pacts supported by funders.

¹⁵ Transparency International's national chapter in Peru.

quantities' using 'updated' unit prices which may include costs of various 'overheads'. Well-qualified independent professionals are needed to check the details of the bidding documents as well as the bids and produce an evaluation report. In short, any CSO engaged in monitoring an integrity pact needs to be supported by appropriately skilled and highly experienced professionals.

Strengthening procurement in Nigeria's Cross River State

Because it is less closely supervised, local government procurement is particularly prone to corruption, and often notoriously so. Yet, with determined citizen engagement, remarkable improvements have been possible even in countries with weak public administrations. Nigeria's Cross River State is a case in point. In 2010 a local CSO, *Development Alternatives and Resources Centre*¹⁶, developed a project aimed at increasing the transparency and accountability of the state's procurement. The centre sought PTF support to tackle what was widely regarded as a hopelessly corrupt system in a direct and practical way. Instead of merely monitoring what was happening and then complaining about it to the government, as so often happens, the centre offered to help the local authorities to reform the procurement process by removing from it the elements that increased the risks of corruption. They also sought to simplify the steps to be followed and in the process make them unambiguous and understandable to all involved from both the private and public sectors. Importantly, the centre was able to secure the full support of the Governor of Cross River State as well as those in charge of the state's Due Process and Price Intelligence Department which was responsible for overseeing procurement.

Working in collaboration with the department, the centre fully documented the public procurement process and provided hands-on training to local procurement officers. The key principles of procurement were explained and they were taught their roles and responsibilities. To this end, the centre prepared guidelines setting out clearly the procurement rules and regulations, the details of the information required at each step in the process, and illustrations of the process from start to finish. A critical component of the training was to teach the procurement officers how to prepare and review bid documents, evaluate technical and financial bids, and enforce compliance with due process. In all, 33 procurement officers were trained. The joint training of 'due process evaluators' from the department and procurement officers from the ministries and state agencies promoted substantive interaction among them as well as putting them on a more level footing.

The outcome of this initiative was promising. A review by Barrister Efa, the Director of the Due Process and Price Intelligence Department, and Dr Tom Ogar, the Special Adviser to the State Governor, reported that in the first quarter of 2011, 60 percent of the bid specifications met the required standards compared to 40 percent in the previous year. They also found that the quality of bid evaluations by procurement officers had significantly improved with over half correctly completed and only five requests for "no objection" failing to meet the required standard compared to ten in the same period in 2010. Finally, as a result of the improvements, the department estimated that US\$106,000¹⁷ had been saved in just the first three months of the year. This estimate was derived by comparing prices in the approved contract with the actual prices paid to the contractor after checking the prices through a

¹⁶ Widely known as DARC.

¹⁷ Niara 16,009,146.

market survey. Similar, if not larger savings, were to be generated every quarter. The PTF grant supporting this initiative amounted to US\$33,925, equivalent to a rate of return on PTF's 'investment' of close to 900 percent. This is a low estimate, as the savings in the first nine months of 2011 were later estimated by Tom Ogar at US\$2.7 million. And there remains considerable scope for further improvements as the percentage of documents submitted by the procurement officers that fully meet the required standard steadily increases. Those involved in this project believe that further training and better supervision could raise this figure close to 95 percent. Moreover, this experience can easily be replicated across all Nigeria's states.

This remarkable success may be attributed to many factors, notably streamlined procedures, the systematic use of checklists, standardized templates, document controls, price and market vetting, aided by off-the-shelf software and computerization, and even the simple display of a 'procurement process map' in strategic locations within procurement offices to forestall attempts to shortcut or bypass key procedures. These all contributed to efficiency and predictability, as well as to transparency and accountability. The new system also speeded-up payments to contractors upon satisfactory completion of contracted services and the verification of actual costs of services with suppliers, thus removing one area where corruption usually occurs. The number of procurement officers capable of correctly preparing bid specifications, terms of reference, bid solicitations, and evaluating bid proposals doubled to 80 percent. Reflecting their commitment to the new procurement system, the procurement officers issued a statement appealing to heads of state agencies to respect the new system and the recommendations prepared by the technical evaluation officers, and asking the state governor to propose a new procurement act to the State Assembly that enshrined the principles and practices of the new system. The proposed new law is now on the statute books.

Every major activity was a partnership between the centre and the state government agencies. In particular, the diagnostic evaluation of the previous system and the scoping and definition of the new system benefited from the full participation, agreement and endorsement of the procurement officers. 'Peer learning' was an integral part of the program. This sense of local ownership was also enhanced by the fact that the Due Process and Price Intelligence Department funded 26 percent of the total actual project cost of US\$51,400. The centre contributed 8 percent and PTF 66 percent of the project costs.

The centre's strategy to employ participatory and collaborative approaches makes it more likely that the new system will be sustained. Procurement officers have built up an in-depth start-to-end understanding of the whole public procurement process and what their responsibilities are in relation to the total system. In addition, a selected group were taught the tools and techniques used in creating the system so that they could subsequently themselves modify the workflow diagrams, guidelines, checklists and other document templates to incorporate changes in procurement policies. The centre adopted a training-of-trainers model which has given the procurement officers the capacity to replicate the training or conduct retraining within their organizations using the training manual developed for them.

Critical to the success of this project was the centre's ability to secure the active engagement of two important stakeholders: the leadership of the Due Process and Price Intelligence Department who became the drivers of the project, and the procurement officers who implemented the new system. The role of the centre was critical in every phase. It provided the necessary technical expertise in organizational development, systems design, use of relevant computer programs and electronic technology, and the training needed to bring the new systems on stream.

Other initiatives to make procurement less corrupt

PTF has supported a range of other CSO projects tackling similar problems of corruption plaguing local government procurement elsewhere. For example, in Argentina in 2005, the *Poder Ciudadano Foundation* worked with the city governments of Morón, Mendoza and Córdoba using *public hearings* as a means of promoting greater transparency and accountability. In the case of Morón, over 200 people participated in a public hearing to review bids for a contract for garbage collection. The proceedings were reported by local radio stations and newspapers and on the city's official website. In Mendoza a public hearing attended by 60 people was called to discuss the bidding for a contract to supply a radio communication system to the local police. And in Córdoba 120 people participated in a public hearing to discuss the terms and conditions of a debt that a private company claimed from the city government. All three experiences were seen by the local press as successful in limiting corruption. In the first case, the contract was judged to be fair. In the case of Mendoza, serious questions were raised by Poder Ciudadano at the city government's reluctance to be fully transparent and the proposed contract was eventually annulled. In the case of Córdoba, at the public hearing Poder Ciudadano proposed and the meeting agreed that the local university should be contracted to review the amount claimed (some US\$2 million¹⁸). This was done and resulted in the debt being reduced to half the original amount. In each case, the participation of significant numbers of citizens lent credibility to the process and thereby built public trust.

In 2010, PTF assisted the *Trinidad and Tobago Transparency Institute* (TTTI) to testify before a public commission of enquiry into government procurement for construction projects, widely known to be riddled with corruption, in some cases involving very substantial sums. A specific focus of the enquiry was the award of major contracts by a large state-owned company, the Urban Development Company of Trinidad and Tobago, many of which were widely perceived to have been awarded corruptly. PTF provided an international specialist, Neill Stansbury, who had led a highly successful global initiative to tackle corruption plaguing major construction projects.¹⁹ He advised the TTTI's board, which was also well versed on procurement matters. Together they formed a powerful advocacy team that presented written submissions and made personal appearances before the enquiry that were widely reported in the local media.

To prepare for the enquiry, the institute undertook a survey²⁰ of members of trade and professional associations to determine both the perceived and the experienced levels of corruption in the construction industry. The results of the survey were presented to the enquiry. The nationally televised proceedings of the enquiry attracted much public attention and generated considerable public debate. Neill Stansbury's participation was viewed by TTTI as invaluable in lending authority to its testimony. His recommendations and those of TTTI were accepted by the commission and formed part of its final report.²¹

¹⁸ 60 million Argentine pesos.

¹⁹ Neill Stansbury is co-founder and director of the Global Infrastructure Anti-Corruption Centre. He is a construction lawyer who has worked for over 25 years in the international infrastructure sector. He was founder and leader (until 2008) of Transparency International (UK)'s anti-corruption initiative in the international construction and engineering industry. See also http://iacconference.org/documents/WS_52_NEILL_STANSBURY.PDF

²⁰ 365 firms were interviewed.

²¹ A PTF grant covered the costs of the expert and the survey.

The enquiry led to the surprise resignation of the chairman of the Urban Development Company and his precipitate departure overseas. In addition, based on evidence given to the commission, there are ongoing criminal investigations that TTTI expects to result in prosecution.²² The benefits from the enquiry are likely to be felt for many years to come. The information revealed was seen by the public as contributing to the defeat of the incumbent government in May 2010. The new political party in power—called the People Participation Coalition—promised in its election manifesto to implement the commission’s recommendations and has since reiterated that commitment many times. So far, the new government has prepared draft legislation for the reform of public sector procurement and in July 2012 made a public commitment to table a bill for discussion in parliament. But progress is slow. With powerful entrenched vested interests, the political promises of those seeking political office to clean up the construction industry are not enough; only persistent, relentless political pressure from civil society is likely to yield results.

Transparency in the sale of public assets

So far I have focused on public buying. I now turn to public selling. The way lucrative opportunities for public officials to make money arise in public selling as well as buying was vividly illustrated in the auctioning of mobile phone licenses in Bulgaria described in Chapter 1. And we also saw that it is possible to use an approach similar to that of an integrity pact to limit the opportunities for the corrupt manipulation of the auction. In 2002 in Ecuador, PTF helped the *Latin American Corporation for Development*, known locally as CLD,²³ to improve transparency and accountability in the auction of a wireless local loop and a personal communication system launched by the National Telecommunication Council (CONATEL). CLD also raised public awareness of the risk that such auctions may be ‘captured’ by corrupt individuals and consequently that there was a need for better regulation of the auctions.

CLD drafted a code of conduct for the council’s employees involved in the auctioning process that included transparency guidelines for the auction, as well as an integrity pact signed by the President of CONATEL and all the private companies participating in the auction. CLD informally joined in the discussion and structuring of the auction process and most of its recommendations were included in the guidelines. CLD had a written agreement with CONATEL that clearly stated the terms and conditions that were to guide their working relations. The agreement included reference to both the guidelines and the code of conduct to govern the bidding. CLD gave special attention to defining clearly which requirements were mandatory and, if not complied with, would result in automatic disqualification. It ensured separation and an adequate evaluation of the technical and economic aspects of the proposals so that, once the technical suitability of the proposals was assured, those participants satisfying minimum requirements were allowed to proceed to the financial bidding in a public hearing. CLD sought to prevent public officials manipulating critical information by

²² During 2012 the Attorney General initiated civil proceedings against some of the alleged wrongdoers exposed by the Enquiry.

²³ The Corporacion Latinoamericana para el Desarrollo is a not-for-profit civil society organization, created in Ecuador in 1990. Its mission is to contribute to the strengthening of democracy in the region, through the enhancement of the capacity of civil society to take a lead in promoting the reform of the institutional and legal framework of the state. CLD’s work has gained attention primarily through its conception, design and implementation of such reforms. This has been based on the identification of the specific needs of particular sectors, using diagnostic studies, the analysis of different alternatives leading to the definition of possible solutions, and support for the implementation of agreed plans to promote structural changes.

simplifying documentation and eliminating subjective criteria in the evaluation which might bias the results; removing requirements or criteria which could be met by only one bidder; eliminating, as much as possible, the need to keep public information confidential and controlling its possible leakage and, lastly, arranging for publication and public discussion of the first draft of public contracts in order to deter later changes in the contract terms that might favor one bidder.

Using the services of national and international experts, CLD made recommendations on each step of the process. Once the auctions were completed, CLD issued public reports certifying that the processes followed established rules. These reports recommended ways to improve future public contracting procedures. In particular, with a view to institutionalizing transparent procedures for all future public procurement, CLD recommended modifications to the legal framework to make such auctions more transparent and competitive and to achieve greater civic participation.

Paraguay's experience was perhaps even more impressive than Ecuador's given that it has a weaker and less accountable state. In December 1999, *Transparencia Paraguay* (TP) was invited by the president of Paraguay to monitor the work of the National Secretariat of Reform in the privatization of the telecommunications and water supply companies, ANTELCO and CORPOSANA. The objective was to ensure clean, open and transparent bidding processes for all participants, in part by reducing the discretion of public officials in decision-making. TP saw this project as a way to build the confidence of the general public through the prior discussion of the bid documents, clear specification of the evaluation criteria, equal access to information, publication of the relevant information and, finally, a survey among the participants to assess their perceptions of the process. PTF helped by funding specialists to advise TP and the latter contributed substantially from its own resources, always a good sign of commitment.

As a result of this project, TP produced reports on bidding for contracting a consulting firm for the design of a strategic plan to open up the telecommunications market and for an investment bank, a law firm and public relations firm to advise on private participation in ANTELCO and on the privatization of CORPOSANA. It was also present at 12 bid openings. Through its involvement, TP identified various irregularities in the bidding that led the government to undertake re-bidding. And it raised other concerns about access to the bidding process with the government. It posted its assessment of the procedures followed on its website and by direct mailings to 150 journalists, followed by many press briefings.

TP also monitored the privatization processes with regard to the telephone and water distribution companies, as well as the public disclosure of private interests by employees. It was invited by the authorities to monitor the annual procurement by these companies and pointed out various irregularities which were corrected. In recognition of this contribution, TP was invited to be a co-sponsor with the National Council for Integrity²⁴ of the first public hearings on the proposed Law on Public Contracts held in the Senate in June 2002. Never before had a civil society organization been involved in a public hearing in this way. Sad to relate, a lot of this good work was set back by subsequent political changes. But, here again, the experience of what can be achieved has been etched into the local collective memory and will hopefully lead eventually to new initiatives to establish a more transparent and accountable state.

²⁴ Consejo Nacional de Integridad.

What have we learned?

Despite initial cynicism, we now have enough experience to conclude that an integrity pact can be an incredibly useful tool in making procurement and contracting more transparent and hence less corrupt. It does not eliminate corruption altogether. But it forces all parties to pay attention to exactly what is going on and to make it much more difficult to abuse the system. Indeed, the accumulated evidence is that, more than anything else, transparency exposes malpractice which explains why the knee-jerk reaction of officialdom is to keep matters ‘confidential’.

Public procurement is in many respects highly technical. Moreover, in the past those involved have often chosen to further mystify the process with arcane rules and a preference for secrecy, arguing that the evaluation of bids should take place behind closed doors. However well intended, the outcome has been to allow those well-placed to benefit from rigged bids. We have seen how skilled independent monitors need to be. They must understand very clearly all the technical dimensions and be capable to stand up to those who are ready to deploy their special expertise to hide what is really happening. And since contracting can be spread over a number of years, the CSO monitors must stay the course.

Corruption in public buying and selling usually benefits only a few people, while everyone else pays in one way or another without realizing it. When people become aware that a transaction involves corruption, they are likely to be angry. When they hear of the very large sums involved, they become very angry. This is as true for the many officials who do not benefit, as it is for private citizens. Consequently, it is not hard to attract wide support for any initiative that aims to stop such harmful dishonesty.

What is frightening is just how large the amounts captured can be. Public contracts may often amount to many million—even billions—of dollars so that the amounts ‘in play’ are a huge incentive to malfeasance on a massive scale. CSO monitors can only hold the line if they have the means to obtain the expertise to be a match for the crooks.

Chapter Ten

Tracking Public Expenditure

We saw in the last chapter how public buying and selling gives rise to great opportunities for officials to extract what economists like to term ‘rents’, shorthand for illicit benefits. Spending of public revenues is not far behind. In most countries the great advantage corrupt officials have is the lack of transparency in the management of public finances. This allows them to rob the public purse without the public even knowing. This is particularly true for countries with bulging coffers filled from the exploitation of oil and mineral wealth¹. Azerbaijan is a case in point. But even in countries where resources are scarce, preventing the misappropriation of public funds remains a considerable challenge, as I shall explain in the case of Serbia.

The curious case of ‘lost’ oil money

In Azerbaijan the *Center for Economic and Social Development*² has recorded some notable achievements in recovering misappropriated oil funds. The center is led by a dynamic young economist, Vugar Bayramov, who is dedicated to fighting corruption and has not been afraid to investigate the most sensitive of political matters, including where Azerbaijan’s oil revenues end up.

Oil revenues in Azerbaijan are managed by the State Oil Fund (known as SOFAZ) which reports directly to the country’s president. SOFAZ was established by presidential decree in 2009. This provided for a council appointed by the president to oversee the management of the fund and recommend how its assets should be spent. The decree states that the oversight board shall consist of representatives of relevant state bodies and public organizations, as well as other independent persons. Yet, in 2008 nine of the ten board members were officials from the president’s party; the tenth was the president of the National Academy of Sciences, who was also close to the government. The president not only selected members of the oversight board, but also had the final say on how the fund’s resources were deployed. He alone, not parliament, approved expenditures. Public monitoring of oil revenue management was largely absent and, despite a legal requirement, the fund did not allow any CSO to sit on SOFAZ’s oversight council.

The lack of transparency and accountability in the management of oil and gas revenues is particularly serious given its overwhelming weight in the economy and public revenues. In 2011, the Azeri oil and gas sector accounted for more than 90 percent of the country’s exports and as much as 70 percent of all budget revenues.³ In all, SOFAZ received US\$60 billion between 2000 and 2011.⁴ These revenues were not spread evenly over the

¹ See also Revenue Watch Institute which promotes the effective, transparent and accountable management of oil, gas and mineral resources for the public good (<http://www.revenuewatch.org>)

² Center for Economic and Social Development was established in 2005 to promote research into contemporary economic and social problems in Azerbaijan and provide policy advice to the governments of Central Asian countries.

³ *Azerbaijan Economy Since Independence: An Independent View*, CESD, March 2012 (page 8) (http://cesd.az/new/wp-content/uploads/2012/03/Azerbaijan_Economy_Since_Independence1.pdf).

⁴ *The Curse of Oil Wealth*, CESD, Sept 2011.

period; they increased rapidly in the past three years and they may fall dramatically over the next decade.⁵ Oil and gas revenues exceeded US\$15 billion in 2011 alone. Azerbaijan was one of the first countries to sign up to the global Extractive Industries Transparency Initiative⁶ and was declared ‘compliant’ in 2009. While knowing what revenues the Azeri government receives is an important step towards greater transparency, it is equally important for the public to know what happens to the funds once they have been paid to the state.

Without deeply rooted institutions ensuring accountability, Azerbaijan’s great oil wealth brings with it a high risk of corruption. SOFAZ is the biggest single investor in public projects and it is little surprise that allegations of misappropriation of public funds through poorly managed contracting are rife, with substantial sums alleged to vanish into the pockets of officials. These allegations are corroborated by the Corruption Perception Index published by Transparency International which has ranked Azerbaijan among the world’s most corrupt countries.

In 2007, CESD prepared an initial study of SOFAZ which provided the basis for its further investigations.⁷ With PTF support, CESD decided to look into SOFAZ’s tendering processes for a small sample of its investments. These revealed numerous irregularities in the contracting process, which led to recommendations for an online procurement system and the establishment of working groups to monitor tenders. Basing their advocacy on the hard evidence collected through case studies, SOFAZ found that considerable sums were unaccounted for. Tendering lacked transparency, with the winners apparently selected mainly on a discretionary basis, leading CESD to recommend that the SOFAZ adopt more transparent rules on how funds were to be spent. CESD campaigned for CSOs to act as observers for all major tenders and for the State Procurement Agency to post detailed information on the processing of tenders on a dedicated website.

CESD used standard research methods—data collection, interviews with the principal stakeholders (public institutions including SOFAZ, oil companies and other interested parties) followed by round table discussions of the study’s main findings at which a set of recommendations for reform were also debated. Their research showed that the fund had not followed Azeri law on public procurement, especially regarding tendering procedures.

One project they studied was supposed to assist refugees and displaced persons resulting from the Armenian-Azerbaijan Nagorno-Karabakh conflict. The implementing agency for this project was the Social Development Fund for Internally Displaced Persons. CESD’s monitoring revealed that as much as US\$50 million had been misappropriated in one year alone. Problems included the price paid for houses constructed by the project which was derived from a comparison with a highly inflated ‘market price’. And sub-standard construction work contributed to the scam. Pressured by adverse publicity, the Azeri parliament took up the case of the missing US\$50 million and the money was eventually ‘found’ and returned. In addition, the government felt obliged to undertake an audit which led to the number of irregularities being stopped.

⁵ *Republic of Azerbaijan: Selected Issues*, IMF Country Report No. 12/6, January 2012.

⁶ EITI is a coalition of governments, companies and civil society groups, investors and international organizations that commits companies to publish what they pay to governments and governments to report the amounts they receive from companies involved in extractive industries; see eiti.org. EITI ++ is a World Bank initiative that seeks to support governments in making sound and transparent use of revenues derived from the exploitation of natural resources.

⁷ *Strategy for State Oil Fund of Azerbaijan Republic*, CESD, Baku 2007.

CESD also investigated tenders for a state program for the education of Azeri youth overseas in 2007 to 2015 managed by the Ministry of Education. The other two case studies were the construction of the Oguz-Qabala-Baku water pipeline and the reconstruction of the Samur-Absheron irrigation system, both implemented by Azersu Open Joint Stock Company. These investigations revealed numerous irregularities in the contracting process. A common feature was a failure to follow the procurement law, especially in regard to the publication of tender documents, information about participating companies, and continued secrecy about contract conditions, which were argued to be ‘business secrets’. Selection of the contractors was mostly non-transparent, with the winners apparently chosen mainly on a discretionary basis. In some cases companies could not be identified. CESD estimated that public agencies’ failure to adhere to the official procurement regulations resulted in high cost overruns of up to 30 to 40 percent. And considerable sums were unaccounted for.

Basing their advocacy on the hard evidence collected through the case studies, CESD’s media campaigns including TV presentations succeeded in focusing public attention on its recommendations to government and parliament. This led to the adoption of online procurement, and the establishment of working groups to monitor tenders. In addition CESD has pressed SOFAZ to adopt more transparent rules on spending of its funds, for CSOs to be observers for all major tenders, and for the state procurement agency to post detailed information on the processing of tenders on a dedicated website. These proposals were adopted in November 2012.

Perhaps more important than the recovery of the money related to the projects CESD investigated, CESD’s work has sparked a broad public debate on ways to enhance the public accountability of SOFAZ. CESD and allied CSOs have successfully campaigned for a law that requires SOFAZ to publish its audited financial statements and to make its budget information public. They have also won CSO representation on the board that selects SOFAZ’s external auditor. Significantly, the use and misuse of oil funds has become part of the public discourse—a common topic on TV talk shows and in newspaper editorials. In this way CESD and its civil society allies have questioned the authorities’ presumption of secrecy in the management of the state’s oil revenues.

But the story does not end there. In 2011, CESD, with the assistance of likeminded organizations in Turkey and Georgia, started monitoring how oil money was being spent in the region's major railway project involving Azerbaijan, Georgia, and Turkey. The Baku-Tbilisi-Kars railway will turn Azerbaijan, Georgia and Turkey into one of Eurasia's largest transport hubs. The project was initially estimated at US\$400 million, but its cost has already tripled. SOFAZ is the main financier of the project. This escalation in costs has given rise to public concern that high-level corruption lay behind the increasing costs and construction delays. Prior to 2011, no monitoring of this project had been carried out by any civil society organization.

CESD soon raised major questions. It found that the process for selecting contractors, establishing initial project costs, and the procedures for dealing with cost variations were ineffective. Like most other construction projects funded by SOFAZ, the railway project lacked effective fund management—amounts spent were not matched against documented money transfers. The poor management of the project is exemplified by the numerous delays in meeting projected completion milestones and the lack of cost control. Without information on project expenditures, it has been very difficult to reach firm conclusions about what has been happening. Nonetheless, CESD was able to establish with reasonable certainty that US\$10.4 million was missing without adequate explanation. Moreover, CESD found

numerous other differences in expenditure in reports published by SOFAZ, the transport ministry, and financial statements from the government of Georgia, which was also a party to the project.

CESD submitted its monitoring findings to the three governments and campaigned to expose and put right the alleged misappropriation of public money. As a result, the Azeri government felt obliged to launch an investigation into a multi-million dollar disagreement between two state agencies over how much they had spent. This led to the ‘missing’ US\$10.4 million being returned to the Azeri state budget.

These positive results should not lead to complacency in monitoring SOFAZ’s operations. That is apparent in the way SOFAZ has been managing the construction of its new headquarters launched in 2009. Following a competitive tender, a Belgian construction company was engaged to implement the project at a cost of US\$112 million.⁸ Skeptical of the honesty of those involved, CESD compared construction costs with similar projects, revealing worrying discrepancies. This motivated CESD to seek PTF support to continue monitoring the project.

In summary, CESD’s dogged investigations have revealed massive irregularities in the use of Azeri oil revenues. Through widespread dissemination of its findings and recommendations at conferences and on TV, CESD has reached a great number of the people both in Azerbaijan and internationally. Pressured by the adverse publicity, the Azeri government and parliament have been forced to take action to limit corruption. Over time, transparency has grown, access to information is better and improved laws and regulations have been put in place. There can be little dispute that the activities undertaken by CESD have contributed to more efficient use of Azerbaijan’s oil riches.

All of this is encouraging in a country where the government is said often to flout the rule of law, especially where civil society activists are concerned. CIVICUS, the World Alliance for Citizen Participation, reported in September 2011 a “series of systematic attacks on civil society” in Azerbaijan. These included the demolition of premises housing human rights activists and the conviction of political activists in August 2011. These were not isolated incidents, but rather part of a concerted program of intimidation.⁹ While Azerbaijan is still ranked among the most corrupt countries in Transparency International’s Perception Corruption Index, it is significant that the ranking has improved from 158 in 2008 to 134 in 2010, an achievement that must in part be attributed to the efforts of CESD. It is not easy to measure the improvement in accountability and the increase in transparency, but there can be no doubt that the media campaign and public meetings have increased awareness of the damage done by corruption. Access to SOFAZ data has also improved, in itself a major step considering the secrecy which SOFAZ prefers. Yet, despite CESD’s efforts, the public monitoring of the oil revenue management remains weak. And notwithstanding the legal requirement, SOFAZ still does not allow CSO participation on SOFAZ’s Monitoring Council. A good start has been made, but further determined efforts are required to change old bad habits.

⁸ €85 million.

⁹ <https://www.civicus.org/media-centre/press-releases/598-azerbaijan-continued-clampdown-on-activists-a-threat-to-democracy>

Where has ‘our’ money gone?

Even though resources are scarce in Serbia compared to Azerbaijan, it still faces similar challenges in preventing the diversion of public money into private purses. In 2011, *Juzne Vesti*, a local CSO, received PTF support to undertake a study of the management of Serbia’s public finances. It found that the public sector had no effective system to control public spending and taxpayers showed little interest in checking what happened to their money. Very often public enterprises and municipalities were treated by local politicians as a conduit for funding political parties. Public institutions had no tradition of transparency, while citizens were poorly informed on these matters and not much concerned. Most journalists and CSO activists had a poor understanding of public finance. And these problems are far from unique to Serbia—countries emerging from the communism all need to build a tradition of greater public involvement in the management of the state’s resources. PTF supported *Juzne Vesti* in getting to grips with this aspect of corruption.

The *Juzne Vesti* initiative illustrates the general approach. Its goal is to develop the skills needed by journalists and CSOs to make them effective watchdogs of the public purse and, through their reporting, foster public pressure on official institutions to manage their finances transparently and honestly. *Juzne Vesti* collected basic information on where and how corruption occurs and the means officials use to hide it. Based on this diagnostic, they devised a training course that explained budget formulation and expenditure practices and how these processes could be monitored. The training included fieldwork leading to reports on specific cases of corruption. Participants were expected to share their stories, exchange experience and create a plan for the dissemination of their reports to a wider public. *Juzne Vesti*’s online reports currently have over one million ‘hits’ a month. Lastly, *Juzne Vesti* organized round tables to bring together treasury officials, journalists and CSOs’ representatives in a forum for fostering the transparent management of public finances.

Making local government budgets more transparent

One common malpractice in the management of local resources is for local political leaders to include their favorite projects in the municipal or district budget with scant public consultation on priorities. Not infrequently these respond to private agendas mainly benefiting their own communities or families or helping in the politician’s re-election. In the southwest of Cameroon, to tackle this problem, *ASYOUSED*¹⁰ has devised a scheme for Buéa municipal councilors to engage in participatory decision-making with their individual constituencies. Local residents were encouraged to identify the projects they most wanted.¹¹ Councilors then argued for these projects to be included in the municipality’s annual budget.

This new transparency in the project selection process changed the dynamic within the Buéa Council and resulted in 9 of the 21 projects for 2011 coming from the proposals submitted by constituents—a modest but important first step towards local empowerment. A second project built on the success of the first in two important ways: first, *ASYOUSED* worked with the Buéa Council to implement a tracking process to make certain that the 2012 projects were in fact implemented; and, second, *ASYOUSED* agreed to a request from the neighboring Tiko Municipal Council to institute a similar scheme in its area. In each case,

¹⁰ Assembly of Youths for a Sustainable Environment and Development—a CSO.

¹¹ Training was provided through a workshop for all 40 members of the Buéa Council including the mayor, eight administrative staff and seven community leaders.

ASYOUSED entered into a formal agreement with each council to work with councilors in putting in participatory system in place which increased transparency and reduced the risk of corruption.

In Tiko, 35 out of 40 councilors adopted the same system as in Buéa with the result that in the 2012 budget, for the first time, eight of the 23 selected projects had been proposed by constituents. In Buéa, the council put in place a system to track the call for tenders and the follow-up to make certain that projects were properly completed and ensure that contractors were paid. The local communities were taught to monitor project implementation to check that any deficiencies were made good. Thus, ASYOUSED has helped to interrupt, if not break, a cycle of corrupt, secretive practices and opened the way for communities to have a voice in project selection. The success of this initiative was due to the extraordinary tenacity of the young ASYOUSED leaders, their ability to gain the endorsement and support of the mayor of Buéa, and the hands-on support of the PTF adviser, Jane Schubert. ASYOUSED is now encouraging other councils to adopt the same approach.

ASYOUSED’s experience was not a lone initiative in Africa. *PAWLA*, a CSO in the Upper West Region of Ghana, was able to get local people in Sissala East District to track the collection and distribution of the district council’s locally collected revenues, known in Ghana as *internally generated funds*. PAWLA did not try to catch wrongdoers, but rather ampaigned for the adoption of financial management procedures to minimize the risk of future



One of PAWLA’s noticeboards

corruption. This involved both getting to know how the tax system worked and organizing and training citizen groups to monitor the collection and use of internally generated funds. Based on this work, PAWLA disseminated guidelines. Their proposals were discussed with a wide group of stakeholders at a regional seminar. Also, in collaboration with the Sissala District Social Welfare Department, PAWLA arranged for noticeboards to be erected in prominent places to display up-to-date information about the collection and use of internally generated funds to increase transparency and discourage corruption.

Even in countries where civil society has been traumatized over a long period, CSOs are to be found with the same concerns. For example, in Liberia the *Liberia Democratic Institute*, a pro-democracy and human rights organization, started monitoring the use of district development funds in 2009. They found that these were allocated in a way that was neither transparent nor accountable and citizens were not involved either in selecting local projects or in checking their implementation. The institute recruited enumerators to find out what was happening in thirty districts and organized some 45 focus groups to gather information on community involvement and to develop guidelines for policymakers. About 350 citizens and 18 ‘key informants’ (officials, legislators and the like) were interviewed. The results painted a dismal picture. While about half the informants knew of the program, very few understood how projects were selected or how vendors were chosen. Most of the projects selected did not conform to the priorities established in the approved county development programs. Critical services such as education, health, agriculture and commerce were given little attention. Community participation in the selection process was almost non-existent.

And there was an overwhelming consensus (more than 75 percent of respondents) about the lack of transparency.

Drawing on the results of the survey, the institute made 20 recommendations on improving public awareness, project relevance, accountability, community participation and transparency. Their report, *The People's Voice*, received extensive media attention and was widely discussed. A number of public complaints emerged from this process calling for various prominent politicians to be disciplined for failing to account for the funds they controlled. In response President Johnson Sirleaf dismissed the Minister of Internal Affairs and several officials and announced plans to reform the management of community development funds.



Another example of a community mobilizing to check local authority corruption is found in Vihiga County in Kenya. Vihiga Municipal Council corruption is evident from incomplete projects, poor workmanship and ghost projects paid for but are non-existent. There

Chavakli Market Complex

a local community organization, *Community Engagement for Peace and Development* (CEPED), with technical backstopping from the Center for Law and Research International and supported by PTF, took up the case of two failing projects implemented by the Council. The first was the construction of the Chavakali Market Complex started in July 2009. The project had been funded and supposedly supervised by the Ministry of Local Government. CEPED found serious cracks in the building as a result of the contractor ignoring building codes.

CEPED petitioned the permanent secretary of the Ministry of Local Government to correct the faults but got nowhere, so it took the matter to the Parliamentary Accounts Committee which visited the site. The committee invited two community members to attend a committee hearing with the permanent secretary and other senior officials in attendance. As a



result the contractor was blacklisted and a new contractor engaged to rectify the faults and complete the construction work. The ministry was also directed to provide the necessary funds and to oversee the work properly. Although it took some time, and a great deal of perseverance on the part of the community, the outcome was satisfactory—the building was completed and the work was of a reasonable standard.

Vihiga Council Social Hall

The second project was the construction of the Vihiga Municipal Council Social Hall started in 2007. The building was supposed to have been completed in 2009, but at the end of 2012 it was still under construction. Moreover, the building had many cracks that needed urgent attention. It was found that substandard materials had been used and the contractor had deserted the site. The work done did not justify the payments made. Again the matter was taken up with the Ministry of Local Government, while the council tried to cover up the faults and force staff to occupy part of the building in an effort to convince the ministry that all was well. So far the ministry has not been very responsive, but the community shows no sign of giving up.

These few modest examples show that ordinary citizens are no longer resigned to being endlessly short-changed by dishonest officials and are willing to club together to stop local corruption in the collection and spending of local funds. Each initiative is but a drop in the bucket, but if communities across the world can be galvanized into asserting their rights and defending their interests, officials will no longer dare to plunder the public coffers—the leaks in the fiscal bucket will be stopped up.

Not all the projects PTF supported were as successful. We made two attempts to assist local initiatives in Russia aimed at making local budgets more transparent—one covering Rostov-on-Don and Sochi in the south of Russia in 2005 and the other the Novgorod, Pskov and Karelia in the north-west in 2007, but only the second had any noticeable impact. The first undertaken by the *Rostov Regional Branch of the International Assembly for Human Rights Protection* aimed to promote budget transparency and openness at the municipal level by strengthening local community organizations through training, seminars and information campaigns and increasing their participation in the local budget process through round tables and public hearings. However, when an independent PTF evaluator visited the area, she could find no evidence that the project had been implemented as agreed—for example, that there had been any public participation in budget hearings even though, by law, the municipalities were obliged to hold them. This shows that CSOs can themselves be corrupt and underlines the importance of site visits to check on the diligence of the grantee.

The second project was undertaken by the *Civil Initiatives Support Center*. In 2007, the center collected information on the budget process in three regions, including on transparency and public participation in the budget process. The center also investigated how the local budget process was covered by media and experts from the Pskov Legal Clinic prepared an overview of the legislation governing the budget process. Creditable efforts were made to disseminate this research online, on television, and through seminars attended by local and regional government officials in the cities of Petrozavodsk, Veliky Novgorod and Pskov. The center also published a book with full documentation of their research and set out a tool for achieving greater budget transparency and public participation, designed in collaboration with the consultative council. The center prepared recommendations for strengthening the budget law. Finally, perhaps the most useful outcome of all was the expansion of the civil society constituency willing to undertake budget tracking work and convincing some officials to support citizens' participation in the budget process. These efforts contributed to establishing a wider 'transparent budget' framework used by watchdog organizations in north-west Russia and beyond with the support of the donor funded 'International Budget Project'.¹²

Russia is a difficult case. It has recently seen impressive civil initiatives aimed at making government agencies more transparent and accountable. However, the physical distances between organizations in this vast country and the restrictive environment impede this work.¹³ Indeed, if anything, in recent years the space for such activities has been curtailed rather than expanded. But this is not the case in all ex-Soviet sphere countries, as we saw in Chapter 4 on Mongolia. Poland has also had more success in bringing greater transparency to

¹² The International Budget Project was formed within the Center on Budget and Policy Priorities in 1997 to nurture the growth of civil society capacity to analyze and influence government budget processes, institutions and outcomes. See *internationalbudget.org*

¹³ For instance, a few case studies reporting significant civil society impact on decision-makers, as well as an overall assessment of this impact in different areas can be found in the CIVICUS Civil Society Index 2011 Report 'Civil Society in Modernizing Russia' see <http://www.hse.ru/data/2011/10/24/1268873654/CIVICUS%20ENG.pdf>

local government finance. In 2001, PTF assisted the Polish CSO, *Asocjacje Association*, to develop a tool to track local government grants given to non-governmental organizations which they pilot-tested in four localities. The outcome was a manual on how to handle grants, which was widely disseminated.

The new instrument was used by Poland's anti-corruption program in the training of Local Civic Groups¹⁴. The association worked to establish a network of watchdogs. It is convinced that civil society monitoring is key to improving standards of integrity and efficiency of the public agencies and diminishing the high-level of corruption in Poland.

Keeping political parties away from the public purse

As we saw in Chapter 8, one reason politicians misappropriate public funds is to fund political party activities. In some cases public expenditure is directly manipulated for electoral advantage. In 2005 in Ecuador, PTF supported *Grupo Faro*'s attempt to stop the government's anti-hunger program run by *Alimentate Ecuador* (AE) being misused for political advantage. Their goal was to have AE operate on a professional rather than political basis in the allocation of food, especially in the sensitive months leading up to the October 2006 national elections. AE signed an agreement with *Grupo Faro*, with whom it had worked since August 2005, to help insulate itself against political pressure either from above or from local leaders. They hoped that this initiative would serve as a model for other social programs in Ecuador, but this was not to be as the project soon ran into serious difficulties. The National Coordinator of AE, Ricardo Espinosa, resigned in protest at political pressure from the Ministry of Social Wellbeing to replace provincial coordinators with political allies of members of congress. Subsequently, the vice minister was forced to leave when Espinosa produced a tape-recording of an incriminating conversation. The Ministry of Social Wellbeing struck back with accusations that the program had been poorly run and forced *Grupo Faro* to withdraw.

Grupo Faro, which had already been working with other agencies, reoriented their project to cover the government's main anti-poverty programs, in place of the food program. This proved more successful. Based on an 'accord for the transparent use of public funds' that it signed in July 2006 with the directors of the 10 largest anti-poverty programs, *Grupo Faro* monitored whether the agencies kept to their commitment to apply objective criteria in the administration of benefits and promoted their transparency initiative in the media in coordination with other Ecuadorian CSOs. This approach was largely successful, helping program directors to resist political pressures during the 2006 elections, put a stop to clientalism, and provide tighter fiscal management. But these results were fragile and, in the case of *Alimentate Ecuador*, the initiative was a failure. Without a well-established code of behavior backed by the rule of law, resisting improper political pressures depends largely on the quality and strength of the leadership of the public agencies concerned. Few officials yet recognize that transparency is vital to improve the functioning of the state, while the state institutions are not yet strong enough to restrain politicians' illegal actions during the heat of an election campaign. A determined civil society presence can nonetheless help limit the abuses and build state integrity.

¹⁴ An expert study on the legal background to this public expenditure monitoring tool was prepared by Andrzej Szeniewski; see: <http://www.przeciw-korupcji.org.pl/>

Tracking aid money

The provision of foreign aid is often seen as a source of corruption which escapes public scrutiny because of the non-transparent management of the funds. An example arose in Poland in 2006. Funds allocated by the European Union (EU) to support environmental projects were at risk of being ‘diluted’ by corrupt local agencies. PTF supported a proposal from the *Polish Green Network* to ensure this didn’t happen. This was to be achieved by strengthening local CSOs to engage in public monitoring and by improving the legal regulation of these funds in 10 provinces (*voivodships*). The project included training participants to enable them to monitor the funds effectively. The results of the subsequent monitoring activities were to be reported through various media activities and a dedicated website aimed at building public support. The Green Network was to lobby in favor of changing the Article 413 of the Environmental Protection Law (EPL) so that it cannot be used by politicians to obstruct public participation in monitoring activities. Finally, the goal was to enhance cooperation between local watchdog teams and democratically elected representatives of CSOs in the supervisory boards to prepare rules for using environmental protection funds to finance environmental education. The project was co-financed with a €54,145 grant from the EU. PTF’s contribution was a precondition for EU support.

The ten watchdog teams were established and trained. Early on, parliament adopted changes in the EPL as suggested by the environmental CSOs. The Polish Green Network, based on the practice of the Ministry of Environment, developed a new election system to be implemented at the regional level. Unfortunately no province introduced this system. The 2006 provincial elections were carefully monitored by the local watchdog teams, resulting in one court case. Also, the election to the supervisory board of the National Fund for Environmental Protection was monitored. However, the election rules were still not very clear (especially the definition of the ‘environmental CSOs’ which were eligible to vote) and needed to be changed. The watchdog teams reviewed the regulations and practices for each provincial fund. The teams made suggestions and complaints based on the experiences of the local CSOs, and detailed proposals for changes were prepared and discussed.

The project established a website.¹⁵ After its launch in 2005, the number of hits rose from about 1,000 every month to 3,000. The website was a convenient guide to all 16 provincial funds. The complete text of the EPL was posted, as well as other acts, comments and relevant documents. The publication, *Vademecum for CSOs’ Representatives*, was edited, printed and distributed, as well as being posted on the website.

Proposals for the modification of the rules of financing environmental education were prepared and discussed by all ten watchdog teams, and submitted to the boards of provincial funds, but they were not adopted by the funds. However, the representatives of NGOs to the supervisory boards of environmental protection funds were elected according to the new regulations and at least eight of them are cooperating with CSOs in their provinces.

Prior to the projects, the Polish Green Network identified the high threat of corruption potentially in two activities: environmental grants, especially those given for “soft” projects (such as education, information and other activities led mainly by CSOs) and the election of CSOs representatives to the supervisory boards of environmental funds. In some provinces, the donations for CSOs are given without any strict rules, even to the extent of being almost as individual decisions of officials. Elsewhere, rules were so strict and bureaucratized that CSOs could not fulfill all the conditions without the ‘kindly help’ of the funds’ employees.

¹⁵ www.wfos.info

These practices led to the unequal treatment of CSOs and a high risk of corruption. For example, in Lodz, members of supervisory and executive boards of the provincial environmental fund were accused of fraud amounting to €11 million. The second problem was the way CSO representatives were elected to the supervisory boards. This is one of the few ways CSOs could monitor the activities of the funds and influence its policies. However, powerful interests sought to ensure the election of compliant CSO representatives.

The project focused on these two threats and the Polish Green Network's monitoring identified various malpractices during the elections, including criminal activities. The network prepared new rules for selecting, evaluating, donating and monitoring projects to make the process more transparent and more 'corruption-proof'. The project's activities continued after PTF financial support ended. The watchdog teams continued their monitoring activities and maintained contacts with active representatives of CSOs on the supervisory boards. Parallel to the monitoring activities, in November 2006 the network launched a new project entitled 'Evaluation of the environmental funds with regard to the allocation, effectiveness, decision making procedures and monitoring procedures' financed by the Batory Foundation as a continuation of the previous activities.

Some concluding thoughts

The cases I have described in this chapter make it clear that public expenditure is a major source of corruption. Given the incentives in play, there is little prospect of this situation changing unless citizens become engaged in checking what is going on, mediated through local CSOs. By establishing such monitoring to track the handling of public expenditure, civil society is able to impose some degree of restraint on those officials otherwise tempted to collect 'rents' or siphon off public funds in other ways. This requires open access to information on local public finance and active, accountable CSOs with dedicated members. It also requires appropriate monitoring instruments as developed in Poland and Cameroon. Such initiatives cannot and should not replace the official entities responsible for financial oversight—especially the national audit office—but it does put pressure on them to be more assiduous in their duties. Perhaps more importantly, exposing such wrongdoing and forcing the authorities to discipline those involved helps to end the culture of impunity and the passive acceptance of corruption which has so often existed in the past.

The sustainability of these activities is dependent on the CSOs securing funding support in the short term and to find ways to become self-sufficient in the longer term which will be a big challenge—a theme I will return to later in the book. It is also important to recognize that continued pressure on governments from the OECD and major aid agencies to make public budgets and accounts transparent is essential to enable CSOs to monitor the way public funds are spent¹⁶. This is a good example of 'supply' and 'demand' governance reform approaches complementing each other.

In Chapter 6 on the Philippines we saw how *Ecolink* had successfully mobilized young people to use their mobile phones to record and report the miss-use of municipal vehicles which resulted in significant public savings. We also explained how young people had tracked the use of public funds allocated to youth organizations, thereby helping to curb corruption in

¹⁶ See OECD's report *Public Financial Management: Ensuring Transparent Budgets*, April 2012 (www.cleangovbiz.org) and the World Bank's Public Expenditure and Financial Accountability Program founded in 2001 (<http://www.pefa.org>).

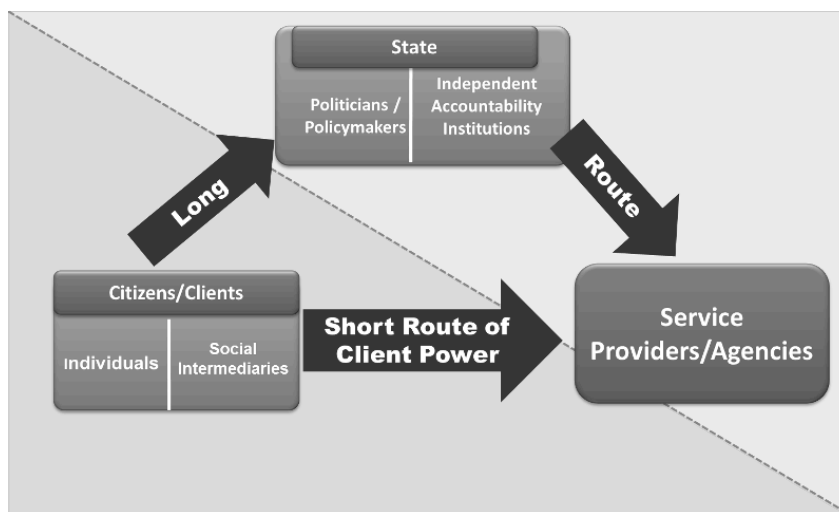
the management of these funds. And in Chapter 5 on Uganda we described how UENO had organized parents on the school management committees to be vigilant in stopping the misappropriation of school funds. In the next chapter, we shall describe the many ways that CSOs are engaged in auditing various social services which often involves, among other things, ensuring that public expenditure goes to fund the activities for which it has been allocated without ‘leaking’ into the pockets of officials and politicians.

Chapter Eleven

Honest Services

Most countries have built-in systems for overseeing the performance of their public departments and agencies—inspectorates, audits, ombudsmen, parliamentary public account committees and a variety of internal department controls both national and local. In countries with poor governance—the majority—these institutions are ineffective, reflecting the unwillingness of the rulers to be made accountable. Public services tend to be marred by weak capacity, inefficiency and, most damaging of all, corruption. Issues of capacity and competence, while real, are generally less damaging than corruption. Formal mechanisms of accountability address all these aspects, but especially the latter. In the absence of effective formal mechanisms, the only way public agencies may be held accountable is through direct citizen action—for citizens to engage directly with the local providers to demand better services. This proposition is represented graphically in Diagram 11.1: one route (‘the long route’) has the citizens seeking to influence service provision through their elected representatives: the other route (‘the short route’) has citizens dealing directly with public agencies.

Diagram 11.1: Client Power



Adapted from the World Development Report, 2004

The chapters on individual countries (Chapters 3 to 6) cited many examples of these problems and showed how civil society organizations are seeking to improve the honesty and accountability of service providers by monitoring their performance and bringing to the attention of managers and political leaders specific problems of corruption and other shortcomings. Critical aspects of these problems have already emerged in the preceding chapters. In this chapter I focus on health services, education, and infrastructure, describing what worked well and what failed, drawing on the most interesting citizen initiatives that PTF has supported.

Upholding the Hippocratic oath

The Hippocratic oath is one of the earliest codes of ethics ever recorded. Promulgated some 2,400 years ago, it requires physicians and other professionals involved in caring for the sick to swear to uphold professional standards and to practice medicine ethically and honestly. It remains to this day the lodestar for health professionals. Sadly, too often in too many countries, those who run public health services have lost their moral compass. They make money from the suffering of their fellow citizens. Patients are asked for bribes to see a doctor or be admitted to a hospital, and to ‘pay’ for drugs which are supposed to be free. Health staff sell drugs and other medical supplies stolen from public health facilities to private patients. Doctors, absent from their public posts, will be found tending private patients. Medical equipment is often bought at excessive prices ‘negotiated’ with dishonest suppliers and then the equipment may disappear into private practices. Senior staff take cuts from the salaries of junior staff. These abuses, and more sophisticated ones linked to the supply of drugs, are replicated across the world with painful regularity. We have solid evidence that much less of this would happen if civil society were better organized and more vigilant, both at the point of service delivery and in engaging with the managers of health services who have a duty of care to keep a close eye on what is going on.

Ending abuses in the delivery of community health services in Uganda and Nepal

Among the dozen projects supported by PTF that tackled corruption plaguing health services, CSOs have concentrated particularly on tracking the procurement and distribution of drugs. Uganda is a good example of what typically happens in countries with weak governance. A study in 2006 found that the leakage rates of drugs in public health facilities to be 70 percent, a loss driven by the high prices medicines fetch in the marketplace where there is usually a shortage.¹ Over the years several studies have shown a shortage of essential drugs in public health facilities. For example, also in 2006, the Ugandan auditor-general reported that almost 40 percent of their health centers lacked essential drugs. This reinforced the finding of a survey in 2004² that public health facilities lacked half the drugs they should have had. As a result, patients had to purchase their own drugs at prices most could ill-afford from private clinics usually owned by the health workers that refer them there. Those who are too poor to buy drugs go without. This report made clear that corruption in the health sector was not limited to the theft of drugs; other failures included staff absenteeism, public staff practicing privately in public facilities, and the pocketing of fees.

Studies in other countries have exposed the practice of dispensing drugs to ‘ghost patients’, drugs reported as dispensed to patients who never received them, patients being forced to pay for drugs that are supposed to be dispensed free with the provider pocketing the proceeds.³ In Uganda, anti-malarial drugs constitute a large part of the losses recorded by public health centers. There malaria kills roughly three hundred people every day, mainly children under five and accounts for more than 50 percent of all man hours lost in the workplace. It needs little imagination to recognize

¹ Maureen Lewis: *Governance and Corruption in Public Health Care Systems*, Global Center for Development, 2006.

² Uganda Medicine Pricing Survey Report, Ministry of Health, WHO, HAI , 2004.

³ Taryn Vian, *Review of corruption in the health sector: theory, methods and interventions*, Health Policy and Planning, 2008, Vol. 23 (2): p.83-94.

that the poor are least able to buy drugs and so are most likely to be ill or even die from lack of treatment. This is the cost of corruption.

To make the political leadership more aware of public concern at this state of affairs, in 2007 the *Anti-Corruption Coalition Uganda* organized an Anti-Corruption Week. This campaign had some success. The country’s president, in a State of the Nation Address, directed the Ministry of Health to start labeling drugs meant for public health centers. Afterwards, when these were pilfered, the health workers responsible were arrested and punished. But, as is so often the case, the efforts of those in authority were not sustained; indeed many were beneficiaries and had no incentive to maintain the effort, and consequently the same problems soon re-emerged. So, in 2011 with PTF support, the coalition initiated a program to train villagers to monitor their local health facilities.

The coalition also established *Public Accountability Forums* where the concerns of the local community could be discussed routinely among health workers, local government officials, and representatives of the community, and solutions found. To ensure a follow up on the commitments made by officials during the quarterly Forums, their verbal commitments are written down on a chart and shared with community. This provides an important tool for the community to follow up and demand the fulfillment of commitments made by the technocrats and politicians.



For example, some 120 people attended the forum held at Ober Health Centre III in central Uganda on March 13 2012, the majority of them women. At the same time at the national level a health sector anti-corruption working group was established to meet periodically to provide strategic guidance on the provision and management of malaria drugs. Initially the program was focused on Lira District, north of Kampala, but if successful, their plan was to spread the program to other districts provided funding could be secured. To reinforce the efforts, the coalition has tried to keep tabs on the delivery of drugs from the National Medical Stores to public health centers in Lira district. This will help measure improvements over time in securing the supply of drugs.

Ober Health Centre 111 check list

PTF also supported *Transparency International-Uganda* (TIU) in 2008 in implementing a similar strategy of creating grassroots monitors—in this case Volunteer Action Committees in Rakai District in southern Uganda on the border with Tanzania. These local committees were trained to monitor public health services and report instances of corruption to government authorities. Local health workers were persuaded to keep open records of drug stocks that made it clear to everyone what drugs had been received and where they had gone. The Committees’ monitoring discouraged health workers from taking bribes and selling the ‘passbooks’ that pregnant women were supposed to receive free,⁴ though in the absence of a baseline survey, these benefits could not be quantified.

⁴ Kathleen White, *Transparency International Uganda: Corruption and Good Governance in Local Government: Empowering Communities for Proactive Action Against Corruption*, PTF Project Completion Assessment, August 2010.

These are just two cases from one country. Similar problems are prevalent in poor countries across the world. In Chapter 3 on India we saw how rampant corruption in the delivery of health services led two local CSOs, *Ayauksam* and *Vikash*, to mobilize citizens to hold health providers accountable in the rural areas of Odisha. Their success and the sustainability of what they have achieved depended critically on the continued constructive engagement between community organizations, citizen monitors and service providers. Ayauksam calculated that their work in 2010 to 2011 enabled every household to save more than US\$55 each year through access to services previously denied them, although the exact amount has not been independently verified.

Poor, or even in some places no, health services in Nepal led *Samuhik Abhiyan* to dedicate itself to fighting the pervasive corruption that prevented people from receiving the services promised them by their government. In 2010, PTF helped this modest CSO to strengthen community involvement in monitoring health services. They started in one municipality and two villages in the Nuwakot District. First, Samuhik Abhiyan consulted with local political leaders, media, civil society, and government departments. This secured the buy-in of key people to the program’s objectives.

Samuhik Abhiyan conducted a base line survey with a sample of 625 respondents within the target communities to identify the types of corruption people had experienced and the resulting problems. Samuhik Abhiyan found that most citizens were unaware of their health-care entitlements, especially for free medicines. Local officials had a big incentive to hide this information so they could more easily steal. The survey also revealed that 75 percent of respondents had turned to private providers in the absence of public health services.

Samuhik Abhiyan then worked with the communities to form Community Monitoring Committees to increase transparency and hold authorities accountable and steadily built on its initial success. They also taught committee members how to use the Right to Information Act to demand greater accountability. These activities were bolstered through another awareness campaign and involved citizens as well as district community organizations. The district hospital, as well as other health posts, agreed to display citizen charters in appropriate places and the Committees set out to monitor actual service delivery.



Samuhik-Abhiyan: monitoring health services

Through their work with volunteers and their collaboration with the National Vigilance Centre, Department of Health, and District Health Offices, access to healthcare access improved. Samuhik Abhiyan reported attendance at sub-health posts doubled and hospital intake increased over 40 percent. A significantly larger number of poor and old patients were receiving their prescribed medicines for free.

By the end of the project in 2011, the stocks of medicines were being properly managed. The community monitoring committees were filing complaints when corruption was suspected and they had started monitoring other public services. And keen to go beyond monitoring to promoting more permanent change, the committees mapped instances of corruption and began to suggest reforms to be promoted by citizen coalitions. Half the cases of corruption they identified were solved and the remainder submitted to higher levels of

government for action. Also, by the end of the project most health service units in the target villages and municipality were free of corruption. As a result of these improvements, community interest increased significantly and attracted good media coverage. Other citizen coalitions started to contribute time and effort to lobbying the government for similar improvements in the running of their community health posts. In a country where the political system had for several years been tottering on the brink of collapse, these were considerable achievements.

It is instructive to compare these solid results with the performance of civil society in Moldova. There in 2009 to 2010, PTF supported the *National Institute of Women 'Equality'*⁵ to establish an anti-corruption commission and prepare and adopt a code of ethics for the polyclinic in the Ministry of Home Affairs. They placed an anti-corruption complaints box in the polyclinic, copied and distribute information on the country's anti-corruption laws and patients' rights and conducted an anti-corruption round table for polyclinic managers. However, the commission's work was somewhat formal and academic. Neither polyclinic staff nor patients were drawn into the process of developing the code of ethics which experience elsewhere shows is the best way to make such codes effective in practice. The Institute did, however, run a survey among patients and doctors in the polyclinic to identify the main problems of corruption, but results in terms of measurable impact on corruption were limited. An anti-corruption commission was established and a code of ethics introduced. Survey findings revealed that polyclinic employees mainly did not understand the concept of corruption nor did they view bribes as harmful. Yet, the institute reported that complaints of doctors refusing consultations did lead to monitoring in that area with some positive effect. Such modest achievements reflected the weak capacity and inexperience of civil society typical in the peripheral East European countries of the former Soviet Union. There is simply no tradition of an activist civil society. In contrast to Nepal, the population is relatively highly educated, but there is a very limited sense of civic responsibility and a governments' knee-jerk impulse is to constrain space for civil society activism.

Putting ethics into drug trials in India

The cases described above focus on corruption at the point of service delivery. But that is far from the end of the story. Corruption is rife throughout the health services delivery chain, most notoriously in the production and distribution of drugs. Perhaps the most reprehensible part of this is the way powerful pharmaceutical companies seek to minimize the costs of drug trials by outsourcing the task to poor countries where the regulations to protect those recruited to test drugs is ineffective and where those involved are so poor they are willing to risk their lives participating in trials or, worse still, have no idea what the risks are or even are unaware that they are guinea-pigs.

India has become a global hub for clinical drug trials on humans, reportedly worth as much as US\$1 billion in 2010⁶ and growing by over 30 percent a year. Until the 1990s, most clinical research was carried out in academic medical centers and financed by the government. Recently, commercial interests have come to dominate the business with the result that minimizing the bottom line can override concerns about ethics and human rights. Trials cost almost 60 percent less in India than in Europe or the US, while access to a large pool of illiterate patients with a wide variety of diseases and unaware of their rights attracts

⁵ Institutul Național al Femeilor din Moldova 'Egalitate' (<http://www.niwm.org.md/index.html>)

⁶ <http://rt.com/news/india-drug-trial-pharma/>

the unscrupulous. Trials became easier after a 2005 amendment to the Drugs and Cosmetics Act of 1940. Over 600 people were said to have died in these trials in 2009. These factors and the absence of specific laws to protect patients opened up the running of clinical drug trials to serious malfeasance.

A Kerala CSO, *Jananeethi*, determined to put a stop to these practices, discovered just how difficult it would be to face down the powerful commercial interests behind unprincipled operators. Its bitter experience of struggling for ethical standards in a clinical drug trial in a medical college in Thrissur in 2005 was followed by a new and more substantial effort four years later which PTF agreed to support. *Jananeethi* was led by a remarkably brave and tenacious activist, George Pulikuthiyil, who was not deterred by the extraordinary pressures put upon him. *Jananeethi* approached the task systematically and professionally, initially concentrating on delineating the problems with the way drug trials were conducted. It identified five participants in the trials, recorded their experiences and analyzed the weaknesses in the regulatory mechanism through personal interviews with members of a variety of institutions, including medical colleges, ethics review boards, hospital staff and the doctors responsible for the trials. This research exposed serious shortcomings and loopholes in the way drug trials were conducted.

Jananeethi concluded that the public authorities had aggressively encouraged foreign drug trials without establishing adequate controls to protect those involved. *Jananeethi* also



found that the Central Drugs Standard Control Organization (CDSCO), the principal regulatory agency, lacked the capacity and determination to carry out its functions properly, including the scientific review of trial protocols and monitoring the conduct of trials. Ethics committees were not properly equipped or trained nor were they held accountable for their decisions. The confidentiality clause in

Drug trial briefing workshop, Kerala

the Indian Council for Medical Research guidelines indemnified the researchers who violated ethical norms and good practices but failed to protect the privacy of trial participants. Physicians received massive incentives and payments to recruit trial subjects. Often patients did not fully understand that they were being used to test drugs. At the same time, necessary medical treatments and compensations were withheld for a growing number of trial-related injuries and deaths occurring among the test population.⁷ Based on this work, *Jananeethi* published a training handbook on ethical standards for clinical trials.

To alert public opinion, *Jananeethi* worked with the media to launch a state-wide public information campaign on appropriate practices and ethical standards for drug trials,⁸ reaching out to the public through radio programs, television and other media. *Jananeethi* also thoroughly briefed medical professionals and members of various ethics committees, as well as medical students and others more directly involved in the trials. George Pulikuthiyil and his colleagues made presentations on their findings to government officials, members of

⁷ A recently reported abuse in Indian drug trials has been giving placebos to children when there are well-known drugs that would cure their complaint with the result that some died.

⁸ <http://www.jananeethi.org/jananeethi/reports/drugtrialmarrekha.pdf>

parliament in Delhi, the Kerala State Legislative Assembly, and heads of medical institutions. They also assembled a coalition of concerned institutions.

To carry forward its work, Jananeethi formed Health Watches in every district of Kerala to monitor clinical drug trials. These involved civil society groups, service providers, healthcare activists, paramedical personnel, media activists and social workers. Huge display boards were erected at strategic locations and printed handouts were distributed to members of focus groups. Stickers, badges and banners were printed and distributed among participants of training sessions across the state. *Info-kits* with information on the rights and wrongs of clinical trials were published. And a helpdesk was opened at Jananeethi's office to assist victims of unethical drug trials. Institutions and doctors, who initially refused to take notice, have started responding more positively, indicating that the public information campaign has hit its mark. Two major news channels in Kerala published investigative reports on corruption and unethical practices in drug trials.

Largely in response to Jananeethi's determined campaign, in 2011 the National Human Rights Commission began an investigation into the violations of human rights in drug trials in India. Jananeethi was invited to a national consultation in New Delhi on the regulation of clinical drug trials, along with senior executives of the Indian Council for Medical Research, and representatives of the World Health Organization, international medical research organizations, and other important experts. New legislation is being considered. Subsequently, the Contract Research Organization, a profit-making business, lost a contract for drug trials for failing to comply with professional norms. Jananeethi's long campaign was at last having some impact on the ground.

Tackling drug profiteering in the Philippines

Forcing the pharmaceutical companies to produce drugs responsibly is only the first step. The next challenge is to ensure that the drugs are purchased and distributed honestly. The public procurement of drugs is a notorious source of corruption across the world. As noted in Chapter 6, PTF has supported a CSO tackling this problem in the Philippines. The *National Citizens' Movement for Free Elections* (NAMFREL) based in Manila, has taken up the fight against corruption in the health sector. Though NAMFREL was founded as an election-monitoring group, witnessing the negative impact of corruption within the drug distribution system led the organization to forge a partnership with Filipino medical authorities aimed at putting an end to corrupt practices. As the partnership grew stronger, NAMFREL was asked to join the Integrity Development Committee of the Department of Health, where it verified and reviewed reports of corruption.

PTF first partnered with NAMFREL in 2008. The aim was to monitor the procurement of medicine in hospitals within Manila. A NAMFREL study identified key aspects of the procurement process that were prone to abuse and proposed ways to stop the malpractice. The idea was to create a grassroots system of informed, motivated community volunteers to conduct site inspections. The volunteers were direct stakeholders, citizens with first-hand insight into health services within their communities. NAMFREL trained the volunteers, first, to monitor public drug purchase auctions, thereby bringing the bidding process into the open, preventing 'ghost' deliveries, incomplete deliveries or deliveries of substandard medicines, and ensuring the timely dispatch of medicines to recipients. NAMFREL developed a standardized module to train volunteer monitors at the local and regional levels, ensuring consistency across the country.

The monitors found that five of the eight hospitals they tracked received less than half of the medicines they had paid for. Their work exposed flaws in government procurement practices and in the way hospitals managed their budgets and pharmaceutical companies priced drugs. These findings laid the groundwork for subsequent phases of monitoring by NAMFREL volunteers and for them to work with local authorities to put in place codes of conduct. NAMFREL's ability to gain the confidence and support of the Philippine Department of Health has been critical to their success, allowing the medical monitoring work to be expanded, moving beyond the monitoring of eight hospitals in and around Manila to 72 nationwide.

A tough assignment: odd goings on at the Lady Hospital in Peshawar

Corruption when rife is rarely limited to lower-level facilities or staff. Even the most prestigious establishments are likely to be implicated. For example, *Heartfile*, a Pakistan CSO specializing in the health sector, conducted a survey of the Lady Reading Hospital in Peshawar in 2006. This is the largest hospital in Pakistan's North West Frontier Province. The survey identified pervasive corruption throughout the hospital which was very damaging to its mission. For example, a 'Cardiac Color Doppler', a piece of sophisticated equipment, had been purchased at three times the market price. Moreover, it was found to lack some key components. In the same hospital, an expensive recently purchased 'echo machine' had an outdated computer monitor. In addition, it was found that the regulator and inspector had falsified records to embezzle discretionary funds, 'sharing' them all the way up the management chain. As a result of inadequate oversight, health providers were often absent from duty and stole supplies to set up their own practices on the side.

Owing to the difficult political situation in Pakistan at the time, the provincial government forbade Heartfile from disseminating its full report. The responsible officials, fearing a violent reaction to the report from hospital staff, asked it not to identify the specific health facility that had been studied, promising that once the political situation had calmed down they would start implementing the action plan proposed by Heartfile. In response, Heartfile prepared a more general report on corruption in the health sector without exposing specific facilities or individuals. This received considerable attention from health professionals countrywide. Heartfile shared its findings with the National Accountability Bureau, which invited Dr. Sania Nishtar, president of Heartfile, to address its National Meeting in December 2007.

Drawing on its survey findings, Heartfile made recommendations to government to ensure more effective enforcement of existing laws and regulations governing the functioning of hospitals and suggested measures to promote greater integrity in the health service. They also proposed the use of improved record-keeping to better manage hospital finances, assets, inventories, supplies, and personnel. The arrival in power of a new government in 2009 created a whole new situation in the North West Frontier Province. Nonetheless, Dr. Nishtar reported that Heartfile's exposé of corruption in the health sector prepared with PTF's support continued to be widely regarded as one of the few analyses on the subject relevant to Pakistan and has been extensively used in health planning.

No public service touches more directly on peoples' welfare than access to healthcare and, yet, as we have seen, the failures of these services are at a pandemic level. Without transparency and accountability in the distribution of medicines and the provision of healthcare, the difference between life and death is often in the hands of corrupt staff.

Nowhere is the need for citizen vigilance greater. And we have seen, too, that with an alert and organized civil society healthcare services can be made accountable and responsive to the needs of ordinary people who depend on them. We now turn our attention to education which is beset by similar problems and here again we can demonstrate that citizen engagement can make a huge difference.

Watching over school funds

Located on the Cape Coast of Ghana near the salt ponds, the Abekah community had little confidence in their school. They saw the staff as self-serving and the school to be poorly managed which adversely affected enrolment, student retention and community confidence. At the same time the community was sleepy and apathetic, allowing space for the head teacher to misappropriate school funds. That was before *PAGE*, a local CSO, arrived on the scene in 2011. They alerted the members of the school management committee and parents association on their rights and responsibilities, and taught them how to monitor the use of school resources. Led by Daniel Sagoe, the committee chair, they soon detected the misuse of funds, finding that the head teacher had faked Daniel's signature approving the withdrawal of grant funds to pay for 'ghost' expenditures. The committee reported on their findings to the local education director and, following an investigation, the head teacher's salary was frozen and used to repay for the stolen funds. He was demoted and replaced.



Thereafter, the school was much better run and there was transparent accounting of school funds. The community's confidence in the school's management grew to the point where they started to contribute their own resources. During a public hearing on the school budget, the community proposed a school feeding program to provide a meal a day for every pupil with parents willingly contributing US15 cents for each child to support it. This boosted school enrolment with the retention rate rising to about 98 percent, according to Mr. Eshun, the chair of the parent-teacher association.

Daniel Sagoe chairing the Abekah School Management Committee

This simple story shows how a local community, with modest assistance, can find the will to challenge official misbehavior in their local school that is harming their children's education. Among the projects PTF has supported, there are other good examples of parents asserting their rights. In Chapter 3 we reported the story of a Cameroonian who found that in their schools anything and everything had its 'price'—admissions, school grades, school books, school contracts, and so on and that the currency could be cash or sexual favors. We found CSOs keen to put a stop to these abuses by mobilizing parents, students and local communities to watch and report what was going on. PTF has supported some 25 projects across the world that target corruption in education. These tackled six broad categories of corruption: misappropriation of school funds; dishonest construction, manipulated procurement of school supplies; staff absenteeism; corrupt hiring of teachers; and bribery to secure pupils' admission to school or receive better grades.

PTF has supported CSOs in a number of other countries that have worked with school management boards to monitor school expenditures. In Chapter 5 on Uganda we described how *Uganda Ethics Network Outreach* had mobilized students and parents to work with school administrators in Manafwa District to watch over school funds and, in addition, how

the *Uganda Joint Christian Council* had motivated school management committees in Masaka District to track school spending. In 2009 in Indonesia *PATTIRO* helped the local community in Bandung Barat Regency to identify and report the misuse of school funds.

In Cameroon, the *Action Group for Democracy and Good Governance* (AGDGG) in 2011 initiated a pilot project to track and curb the misappropriation of funds at the Government Bilingual High School in Limbe on the southern slopes of Mt. Cameroon in the south-west of the country. AGDGG were successful in gaining the full support of both the school principal⁹, as well as the local education authorities, and generated considerable interest in the local media. Lacking financial expertise, they linked up with another CSO, *International Peace Commission*, which had the expertise to strengthen the school management board's oversight of funds. AGDGG also trained the parent-teacher association on budget management and helped to establish a budget-tracking system. At the same time they assisted the school in putting in place a code of ethics to govern staff conduct.

The outcome was very promising. Staff and parents both became involved in jointly monitoring the way school resources were budgeted and spent, and they signed off on a new code of conduct. The education authorities welcomed the new code which may become a model to be applied elsewhere in the school system. This experience demonstrates that if civil



society activists approach the issues of corruption in a constructive and non-confrontational way they can gain the support of both the school management boards and the education officials. A key reason for the success of this project was the CSOs' ability to contribute the expertise needed for the initiative to succeed.

There were several other factors which help explain why this project worked so well. First, the school principal was a vocal advocate for the initiative and she

AGDDG School Monitoring Committee secured the support of the regional department of secondary education. Consequently AGDGG had strong encouragement and valuable inputs for its capacity building activities. Second, the parents were also highly supportive once they understood the aims of the project. Third, AGDGG set out how the PTA could track the funds from the moment parents made contributions to the point where the money was used for the school. This high degree of transparency largely eliminated the scope for corruption. Thus, the PTA members could be sure that the teachers' salaries included in the PTA budget were indeed paid on a regular basis and that the construction materials bought with PTA funds were used as intended.

In 2012, these initiatives gained impetus. School expenditures were published making an open budget an established practice, and the regional education authorities ratified the code of conduct and started to enforce it. Other CSOs joined AGDGG in maintaining the momentum of reform.

⁹ The school principal had asked AGDGG to help train the Parent-Teacher Association on the efficient use of PTA funds.

Bringing greater integrity to secondary schools in Armenia

The same kind of issues were of concern in Armenia. There, in 2010 with PTF support, a CSO called *Partnership and Teaching* set themselves the task of establishing model transparent and accountable secondary schools. They focused principally on tracking the collection and expenditure of extra-budgetary funds electronically and putting in place new anti-corruption measures. These funds were collected by the school director and teaching staff and were intended for the purchase of school equipment, or to be used to pay for repairs and clubs, but were not properly accounted for. Several studies had identified this weakness in the education system. One, conducted by Partnership and Teaching in 2008 in the Syunik and Vayots Dzor regions, revealed that 90 percent of the 30 schools in the region did not maintain accounts for these extra fees. A UNDP survey of 44 schools noted the same problem, and recommended establishing a proper accounting system to ensure transparency and



and accountability in managing these funds. This research found that most schools had no official policies or procedures governing how such funds were to be collected and spent. The school boards, teacher councils and parent councils were not involved in the oversight of the funds nor even informed about them and the regulations governing their management were weak, leaving ample opportunity for misappropriation.

Armenian students working on corruption

Drawing on the findings of their survey, Partnership and Teaching designed a system to track extra-budgetary finance. Then they selected six pilot schools where they ran training seminars for students, teachers and parents to explain the system and to ensure their effective involvement to keep an eye out for corruption. The CSO made monthly visits to help embed the new procedures and sustain their implementation. Leveraging their success in the pilot schools, Partnership and Training proposed to replicate the new management system in other schools. With this goal in mind, they presented the results of the pilot program to the Armenian Ministry of Education and Science which approved the new procedures in September 2011 and sent them to the Ministry of Law to be incorporated in new legislation.

Stopping collusion in the construction of schools

As we saw in Chapter 5 on Uganda, another common area of corruption in education is in the employment of contractors. In Cameroon a CSO, *ALDED*,¹⁰ ran a classroom construction monitoring project in 2010 in the Méfou and Afamba Districts. Its aim was to fight collusion between public officials and builders in the construction of classrooms and thus stop the misuse of public funds and force the contractors to redo poor quality construction. Cameroon's procurement code requires contractors to guarantee their work for one year after completion. ALDED monitored the construction of 29 primary and secondary schools for a one-year period after construction. It set up a database, checked on the quality of construction, and demanded that the builders were made to put right faulty construction. Also, it strengthened the capacity of local beneficiaries and monitors to detect and report problems.

¹⁰ L'Association de promotion des droits humains, de la lutte contre la corruption et d'appui au développement durable.

ALDED ensured that construction problems were identified and resolved within the one-year guarantee period. The school staff, representatives of the parent-teacher association, and members of the local communities were all mobilized to help check the construction works. By the end of the project, 39 cases of poor construction had been identified, three-quarters of which were satisfactorily corrected; the remaining cases depended on further actions from the authorities. In addition, there were some very positive if unexpected outcomes: ALDED was invited to join the Regional Committee that supervises public investments in the Central Region and to represent civil society in the Departmental Committee that supervises public investments. Instead of a stand-off between civil society and the authorities, there was constructive collaboration.

Counting textbooks

In Chapter 7 on the Philippines, we recounted the remarkable story of how G-Watch mobilized scouts—both boys and girls—nationwide to oversee the production and distribution of school textbooks thereby stopping an annual leakage costing over US\$3 million each year. A similar, though more modest, effort was made by the *Ghana National Education Campaign Coalition*. A study they conducted in March 2010 in 160 schools revealed that 29 percent of English textbooks and 16 percent of science textbooks disappeared between the District Education Office and schools. This was due partly to poor record-keeping, but also indicated significant theft. They also found that the capitation grants used to fund school development needs like teaching and learning materials, sanitation and sports equipment, and minor infrastructural needs and repairs, were mismanaged. They sought to tackle these problems through a range of measures, including workshops to discuss the issues with those directly concerned, training in education resource tracking techniques and record-keeping, holding school budget hearings, organizing the tracking of book distribution, and quarterly reviews with the responsible authorities. These activities were carried out by a local CSO, *Action for Rural Education*, in cooperation with the Campaign Coalition, the Ghana Education Service of the Ministry of Education, and ten primary school management committees and parent-teacher associations over one year.

A number of corrupt activities were identified, pursued, and corrected—in one case resulting in the removal of a head teacher. The school management committees and parent-teacher associations took charge of the receipt of school supplies, including textbooks and other teaching materials. In addition, the participatory distribution of textbooks allowed for the establishment of a database of books received by the school to be used as a baseline for future tracking. Furthermore, the capitation grant, although delayed, was received, and its use was then tracked by the community. The project attracted a lot of support from the education authorities, and the coalition subsequently embarked on a similar effort in another 10 schools using the experience gained in the pilot phase to strengthen their methods. Most importantly, they were able to demonstrate that community participation and better information discouraged corruption. Community members have discovered that they can play a real role in stopping corruption in their own schools which has helped to build communal support for improvements that benefit the education of their children.

Keeping teachers honest

Only one of the 25 education sector projects that PTF has supported up to 2012 tackled the problem of teacher performance. This was a project undertaken by a Honduran CSO, *ASJ*¹¹ in 2011. ASJ was given a grant to monitor teacher performance, absenteeism and the hiring

¹¹ Asociación para una Sociedad más Justa.

process in some 50 primary and secondary schools in four provinces. Activities included audits to verify teacher attendance at schools, monitoring the number of school days taught and observing and recording notes on the way teachers were hired in order to discourage the schools from taking on unqualified teachers. The CSO participants were trained in monitoring. Not surprisingly, given their vested interests and long established practices, both teachers and school authorities resisted ASJ's activities, making clear that further efforts would be needed to get a stronger grip on what are deeply embedded problems. ASJ are continuing to campaign for reforms.

I have already mentioned the introduction of a code of ethics to govern staff conduct in the case of the Limbe project in Cameroon. This is a particularly useful tool where there is some fuzziness as to exactly what behavior is unacceptable. In many countries there is a long tradition of parents offering teachers gifts as a means of ensuring that their child gets their full attention. This may also stretch to gaining admission or being awarded good grades. In these circumstances a code would make clear what is permitted and what is regarded as corrupt behavior. This issue was addressed in a project PTF supported in Moldova. *Soarta Community Association* had requested support to tackle corruption in secondary schools in Rayon Soroca, focusing its efforts on the region's 12 lyceums, the education level for entry to university. In these schools parents frequently offered, and teachers accepted, gifts. After intensive school meetings, public hearings and other research, Soarta found that there was general support for the adoption of a code of ethics that would forbid the practice. They also proposed monitoring examinations to stop cheating, an initiative which also found strong support in the community.

One reason for Soarta's success was that it started on a manageable scale with only 12 schools. Also, Soarta was influential in the community as a result of its earlier activities. In addition, they were assiduous in building public support, holding numerous public hearings to inform the communities about their planned activities and making themselves as accessible as possible through a hotline and website. Their goal was ambitious—to induce a sea change in the communities' attitude to corruption by promoting ethical conduct in the schools, by raising the awareness of pupils, teachers, parents, school administrators, state officials and the general public about the damage caused by corruption. They sought behavioral changes that would lead to disciplinary action for bribe-taking and bribe-giving. Importantly, the Soroca District Council and Educational Directorate were won over and publicly supported the aims of the project.

Parent groups, ministry officials and Soarta staff's oversight of the examinations helped underline the collective determination to bring about change. The project made students aware of appeals procedures and as a result many more pupils have contested exam results. Together they drafted codes of ethics for parents, pupils and teachers which the Educational Directorate accepted. These have become an official part of the high school education system in the district, the only district in Moldova to have such codes. Also, at the instigation of Soarta, the Soroca District Council established an Education Ethics Committee with five members, including Soarta, to oversee and guide anti-corruption efforts in the education sector. In 2012, Soarta embarked on a program to expand their community-based approach to other districts in addition to consolidating the initiative in the original 12 schools. They also undertook a survey to establish baseline measures of school corruption against which future progress may be assessed.

Students against corruption

Getting young people more engaged in fighting corruption has been on the agenda of many CSOs. In Chapter 5 we described how students in Uganda play-acted the behavior of ‘fat’ officials to drive home the message that corruption was bad and should not be tolerated. In Cameroon, students have been mobilized to spearhead an anti-corruption campaign in their universities. “Students suffer every day because of fraud and cover-ups” declared Nemkul Samuel, president of the University of Buéa Student Union. In June 2011 the students decided to campaign for reform. Dozens of students from all nine faculties of the University of Buéa in Southwest Cameroon took to the streets, distributing flyers entitled: *Who kills corruption?* The University is now leading the way to becoming, in the words of Jaques Fame Ndong, Cameroon’s minister of higher education, “our country’s first corruption-free university”. Their initiative has sparked an anti-corruption movement in other universities in Cameroon. Who brought this about?



Nemkul Samuel

The university anti-corruption movement has been spearheaded by Stephen Asek, an enterprising and determined young man. Stephen is the director of *FITCAM*, the Cameroon affiliate of the International Governance Institute. He was encouraged by Minister Ndong, and supported by PTF’s volunteer adviser Christopher Redfern, who has had years of development experience across Africa and Asia.



Buea students delivering leaflets

It all started in early 2010 when Stephen began collecting and disseminating information on corruption. He exposed extortion and sexual harassment related to admissions, grades and the granting of degrees. He also highlighted embezzlement related to the management of university funds. This led FITCAM to formulate an anti-corruption plan for the university. Reactions were mixed. While some staff welcomed the plan, keen to see university funding benefiting their faculties rather than siphoned off, those doing the siphoning were less keen. Likewise, students who wanted to learn were in favor, while those who resorted to bribing to get a ‘good’ degree were hostile. The good news is that those wishing to fight corruption won hands down.

The impact has been remarkable. For a start, as a direct result of this campaign, the university was forced to reimburse the National Social Insurance Fund US\$120,000¹² representing the insurance benefits for university staff found to have been embezzled over the years by senior university managers. A history professor found guilty of extortion and the sexual harassment of students was dismissed. And the deputy vice chancellor for Internal Control and Evaluation denounced the vice chancellor for attempting to shield a director accused of embezzling another US\$65,000. No doubt this was but the tip of the iceberg. The vice-chancellor has since been replaced and Stephen Asek was invited to be the commencement speaker at the university’s matriculation ceremony in 2011, an unprecedented honor for so young a civic leader.

These achievements led to a similar initiative at the prestigious Siantou University. Its president declared that they “simply could not afford the luxury of corruption”. Siantou has an

¹² 50 million CFA francs.

unusually good reputation to protect, especially for its business studies, so much so that major



companies look to the university to recruit managers. The president now recognizes that it is in the best interest of the university to seek to demonstrate a reputation of rigorous ethical standards and of delivering graduates with outstanding skills, rather than issuing diplomas for reasons other than academic excellence.

In August 2010, the universities' anti-corruption initiative received a strong boost from the Minister of Higher Education. In a widely

Buea University anti-corruption poster

televised speech at the occasion of the inauguration of a new building at Siantou University, he vouched to do everything in his power to rid higher education of “this plague of corruption”. This encouraged others in higher education to speak out against corruption. At the same time it has put pressure on others who are less honest to be more careful and cut back on the more blatant corruption. Buea University has appointed a group trained by FITCAM to monitor corruption. At the end of 2012, the monitors were continuing their work of tracking corruption. All monitors have signed a code of conduct. And other universities are considering taking similar action.

Another university that has started to tackle endemic corruption within its walls is Tiraspol State University in Moldova. In this case the moving force was the *Institute for Democracy* in partnership the Institute for Civil Initiatives and Information Development, and the National Institute for Women of Moldova. Their initial survey of students and professors on academic integrity, followed by an anti-corruption education campaign and the publication of findings catalyzed the formation of an Anti-Corruption Council. This was composed of representatives of the university's administration, teachers and students and was designed to monitor the implementation of an honor code and to act as a channel for students to make anonymous complaints of alleged corruption. This experience was considered sufficiently promising to be replicated in other universities.¹³ The institute has developed a program to combat corruption in educational institutions nationwide, focusing on mobilizing students in the struggle against corruption, though this will only happen if funding to back the initiative can be secured.

Ending infrastructure scams

For a final set of examples, I shall now turn to CSO's efforts to end lucrative scams in the provision of infrastructure. Interfering with tenders can involve large bribes and cost the public purse huge sums. We saw in Chapter 9 how CSO can save millions by monitoring procurement as was the case, for example, of Latvia's national library, the Trans-Caucasus

¹³ An article entitled 'Corruption in the Educational System', as a result of the project's activities, was published in the newspaper *Business Meridian* on July 28, 2008.

railway between Georgia and Azerbaijan and the water supply project in Karachi. Contractors also make large illicit profits by substandard work and in some cases failing to complete their projects as required. This behavior may also be very dangerous, as has been repeatedly demonstrated in earthquake-prone regions. In light of the frequent collusion of officials supposedly overseeing construction, who are easily ‘mised’, citizen vigilance has an obvious role to play here too.

In the Introduction to this book, I described how a tenacious community organization in Abra was able to force local contractors to remake a road they had built cheating on the prescribed quantities of materials. Without the timely intervention of the *Concerned Citizens of Abra*, the road would have quickly fallen apart. This kind of fraud is repeated many thousands of times a year across the globe, but most often without the same civic response to put matters right. As the villagers of Abra demonstrated, that need not happen.

In Timor Leste in 2007, a group of citizens calling themselves *Luta Hamutuk* took up a similar cause with PTF support. Their immediate aim was to check local capital works in Lautem District on roads, bridges, schools and health facilities. But they also had a longer-term goal—to develop a monitoring model that could be replicated across the country. In practice their efforts were mainly focused on the construction of a road and a doctor’s residence and the rehabilitation of two primary schools. They found flawed construction and various other abuses which they took up with the responsible officials. While this initiative led initially to remedial work, a change of government in early 2008 brought a new party to power that was less inclined to work with CSOs. Yet this did not stop several other districts asking Luta Humutuk to set up similar district-level monitoring mechanisms to the one in Lautem District. Though impractical in the circumstances, their requests were evidence of the communities’ worries that they were not getting value for money from contractors and the good reputation Luta Humutuk had earned prior to the change in government.

Regulation of infrastructure is another lucrative opportunity for corrupt officials to extort bribes and for businesses to gain a dishonest competitive advantage. Because large sums of money are again often involved, there is frequently complicity at the highest levels of the bureaucracy; those at the top would not wish to miss out. Romania was a case in point. The Romanian energy sector is structured in a way that lays it open to corruption.¹⁴ In 2008, 27 percent of electricity sales from state-owned generators to the private sector were concluded outside the competitive market, at below market prices, on contracts that were being extended annually. In addition, a major restructuring in the energy sector was planned with the creation of two large state-owned companies that include electricity, gas and mining. Public debate in the media was ill-informed, missing out on longer-term sector issues and regulatory challenges. Those with real expertise in the matter were concerned that the true rationale for the restructuring was to conceal hidden subsidies to the mining sector (estimated at about US\$3 billion annually) and to make energy transactions less transparent. These concerns were shared by the Romanian Competition Council, which delayed its approval of the restructuring until key aspects had been clarified. If the restructuring was to take place, it would be essential to find ways to hold the energy regulator accountable so that the companies were constrained to act in the interest of consumers, and not of pressure groups.

At this point the *Romanian Academic Society*, a leading civil society ‘think tank’, entered the fray. They asked for PTF support to enable them to monitor the activities of ANRE, the energy regulator, and raise public awareness of the issues at stake. The society

¹⁴ *Citizens for Energy: Enhancing the transparency and accountability of the energy policy and regulation in Romania*, Romanian Academic Society, 2009.

made a thorough study of ANRE's responsibilities and oversight mechanisms as set out in law and compared the institutional framework with best practice.¹⁵ They identified gaps in the regulatory regime and lapses in transparency, together with opportunities for reform. Their findings were widely disseminated and discussed with those most concerned.

Perhaps not surprisingly, ANRE were reluctant to cooperate. However, the society succeeded in mobilizing a constituency of key stakeholders who were committed to monitoring the regulator. One notable achievement has been the society's success in gaining public recognition as civil society's watchdog though, to properly fulfill this role, it will need to attract continuing political and financial support. The challenge for the future will be to move from promoting regulatory best practice to uncovering actual wrongdoing. Also, the society plans to help spread best practice to other countries in the region.

Some concluding thoughts

In the country chapters we have described other cases where CSOs have challenged corrupt service providers. In Chapter 6 on the Philippines, we reported how the *Concerned Citizens of Abra for Good Government* have campaigned to end corruption in their local irrigation and water systems. In Chapter 3 on India we related how *Youth for Social Development* became a credible watchdog against corruption in the delivery of municipal services in Berhampur, Orissa. In Chapter 2 I described how Forest Action in Nepal has helped local community forest groups to end the collusion between the forestry officers and local log traders. This great variety of experience across the world shows consistently that when officials steal from citizens or defraud the public purse and citizens are sufficiently aroused to confront the corrupt officials whose actions harm them, they can turn the situation around, sometimes in dramatic ways. The fundamental elements of this activism is almost always threefold: making citizens aware of their rights, basic training in how to collect the evidence of wrongdoing and record and report accurately what is going on, and engaging constructively but firmly with the relevant authorities to demand that the wrongs be righted. It helps, too, if CSOs work closely with the media and if they are able to seek out sympathetic allies from within the system. A CSO will be more credible, too, if they are aligned with a well-recognized partner—for example an established independent policy research center. Also, there is obvious strength in numbers; an individual activist can be ridiculed and sidelined, but a hundred angry villagers marching on a local council office is quite another matter.

What is clear in all the cases is that the government's own systems of oversight, audit and control fail when those in charge within the political power structure are complicit—little better than mafiosi. In these circumstances, the only option is for ordinary citizens to take on the oversight role. But the longer-term solution is for CSOs to campaign to make the official oversight agencies perform as intended and to regularly 'audit' their performance. I will deal at greater length with these issues in the final chapter.

¹⁵ <http://www.contributors.ro/wp-content/uploads/2010/10/assessmentANRE.pdf>

Chapter Twelve

Getting the Media Onside

Media support can make or break an anti-corruption campaign. “Public sentiment is everything, with public sentiment nothing can fail; without it, nothing can succeed. Consequently he who molds public sentiment goes deeper than he who enacts statutes or pronounces decisions”. Abraham Lincoln’s perceptive words still hold true.

Only rarely are the media neutral. Media owners are almost always committed political players, belong to the elite and are participants in the struggle for power and resources. Yet, while those in power may ultimately control the media, the reality is always more complex. Exposing alleged corruption is one tool among many in the struggle for power. Hounding corrupt officials low down the pecking order can be a popular strategy. Challenging those closer to the throne is more important though often risky. Civil society organizations need to navigate this territory with great skill and prudence, recognizing media support is often critical for successful advocacy, but seldom impartial.

A good ‘story’ helps sell newspapers and magazines or gains a TV or radio station its audience. And lurid revelations of corruption, especially in high places make excellent stories. Hence we get the paradox that the media can build public anger towards the corruption that funds politicians and keeps them in power. In this way, the media are natural allies of citizens fighting corruption, even if their motives may be quite different. At the local level, community radio and local newspapers often work closely with local CSOs where in many cases the level of risk is much less.

An anti-corruption media campaign in Nicaragua

Grupo Cívico Ética y Transparencia,¹ a Nicaraguan CSO, provided a vivid demonstration of how a well-designed and well-timed media campaign can deliver dramatic results. In 2003, PTF helped Nicaragua to broadcast a series of radio and TV ‘spots’ aimed at building a public campaign for new legislation to limit the remuneration paid to the country’s president, former president and top officials. These greatly exceeded all reasonable norms. Given Nicaragua’s extreme poverty, such payments represented an obvious abuse of power. Ética argued that it was a scandalous misuse of public resources that the new president taking office in 2002 continued to receive a full pension as the retired former vice-president as well as his full salary as president of Nicaragua. This collection of two salaries was seen as highly improper in the context of Latin America where many politicians return to government after periods of retirement, but forego their pensions while in office.

Important changes were taking place in Nicaragua at that time. Corruption had become a lively public issue among journalists, the media and CSOs were increasingly vigilant. The prosecution of former president, Arnoldo Alemán,² in 2003 was seen at the time as a significant step in bringing impunity to an end, even though it proved to be short lived. He was jailed for money laundering, fraud and embezzlement.

¹ *Grupo Cívico Ética y Transparencia* was established in 1996 and has since then been working continually to fight corruption and to promote democratic values and transparency in the public arena.

² Arnoldo Alemán was President of Nicaragua from 1997 to 2002.

Ética's campaign included designing, scripting, casting and recording of 'spots' and persuading the radio and TV stations to allow it to broadcast these in prime-time slots at modest rates. A Dominican Republic singer, Juan Luis Guerra, gave Ética the free use of his very popular song, "El Niágara en Bicicleta", as background. Most of the 'actors' appearing on the spots were volunteers. The broadcasts targeted corruption as a national scourge urging civil society not to accept it. For strategic reasons, the spots did not mention any specific measure or legislation. Several TV channels and radio stations doubled or tripled the broadcast time of the campaign spots at no additional charge.

The impact of these broadcasts was dramatic. The issue of the remuneration of top officials was raised almost daily from October to December 2003 through interviews with members of Congress, civil society leaders and academics. At the time two National Assembly commissions responsible for the compensation of senior officials were emboldened to send to the assembly recommendations for legislation to deal with these concerns: one law was to reform the immunity law that included very excessive advantages for former heads of state and vice presidents even if still employed by the state; and a second law to cut salaries and benefits of 236 public employees earning more than US\$3,125³ per month. The minimum wage is only US\$70 per month (and few people earned the minimum wage). The media campaign ran for more than three months, ending in November 2003. On December 18 that year, the National Assembly approved the proposed laws. The salaries of top officials were subsequently reduced by 10 percent in the 2004 annual budget and the pensions received by former presidents and vice-presidents (including incumbent President Bolaños) were cancelled. This law saved more than US\$2 million in public expenditure during 2004. The campaign was a high profile direct challenge to the political elite and consequently risky, but the risks were considered worth taking.

Although these results were a major achievement, the laws passed were not those proposed by Ética and other allied CSOs. They had lobbied for a Law for the Regulation of Salaries of Public Employees (*Regulación Salarial de los Funcionarios Públicos*) which would have had a longer mandate and would have saved a sum closer to US\$20 million. The law that was passed was limited in its mandate and, being a budget law, was only valid for one year.⁴ And, as it turned out, was not renewed.

Making journalists into skilled investigators

In Chapter 4 on Mongolia we describe how the *Zorig Foundation* worked to transform the media into a more effective corruption watchdog. We saw how they ran a clever media competition which focused journalists' attention on corruption and led to the publication of a whole slew of articles and broadcasts exposing corruption. This bold initiative greatly helped to raise public awareness and shaped public opinion to support a national anti-corruption program. It also showed that the journalists needed further training to sharpen their investigative skills. This latter task has been taken up by two other CSOs supported by PTF—the first in Nicaragua and the second in Togo. The former encountered severe practical difficulties that are a lesson to all CSOs with similar ambitions.

In Nicaragua, the same Ética which ran the brilliant media campaign described above was a good deal less successful when it tried to organize the training of journalists. Their aim was to mount, for the first time in Nicaragua, a master's degree program in government studies, public policy and anti-corruption strategies free of charge for the best 25 journalists

³ 50,000 Córdoba (US\$1 = 16 Córdoba).

⁴ Anabel Cruz, *Project Completion Assessment*, March 2004

selected nationwide jointly by the media owners and the board of *Ética*. The program envisaged 700 hours of academic lectures over six months and three months of field research investigating cases of corruption leading to the publication of the best stories. To ensure quality teaching, *Ética* collaborated with the Central American Institute for Penal Studies which was part of the Technical University of Nicaragua, headed by Doctor Sergio Cuarezma who was strongly behind the proposal and was willing to run the course.

As it turned out, the program's achievements fell far short of these ambitions. In a report in 2008 PTF's independent evaluator, Sylvia Saborio, described it picturesquely as the "incredible shrinking program". Although the editors of leading media outlets did nominate 25 candidates, in the end many were not released as their employers had promised and attendance was poor. Moreover, at that time, *Ética* had no prior experience of academic work which resulted in several misunderstandings. Most damaging of all, the university refused to accredit the program as a master's degree course on the grounds that it failed to meet the university's requirements. As a result, the program was downgraded to a lower-level academic degree,⁵ viewed as no more than a credit towards a master's degree. This inevitably discouraged participation. In the end 16 journalists completed the course and the Institute secured new funds for them to allow them to continue to the master's level, but without the involvement of *Ética*.

The evaluation reported that no research papers were published. Notwithstanding all the setbacks, Saborio argued that aspects of the program should be judged as positive. Sixteen journalists were trained to a good standard and became better at their trade, as was evident from their subsequent investigative reporting. For example, the three national newspapers where some of them worked published over 100 articles dealing directly with corruption in the year following the start of the training. These included the biggest bank fraud against the state and a scandal involving money seized from money launderers that was 'lost' at the Supreme Court.

Learning from this experience, in 2007 PTF supported a Togolese CSO, *Ligue des Indépendants pour la Transparence* (LIT), to train a group of 20 journalists in investigative reporting. They attended a one month intensive program taught by the Faculty of Journalism of the University of Lomé which was less ambitious than that organized by *Ética*. Arrangements were made for the journalists to be full-time students so that the problem of attendance was overcome. The program was a balanced mix of academic and hands-on professional training and supervised fieldwork and was supported by the Togolese journalists' association and press organizations.

The trainees were awarded a university diploma by the Faculty of Journalism at a ceremony held March 2008 attended by senior officials from the government, police and national gendarmerie—intended as a collective statement of a public commitment to expose corruption. This proved hypocritical, as shortly afterwards the president of LIT, A.E. Kataroh, was dismissed from his government job, making it clear to LIT that its activities in exposing corruption were not welcome. This action forced LIT to postpone its award of an annual prize for best investigative reporting to the following year.

Harnessing community radio to campaign against corruption

So far the focus has been on the written media. But, newspapers are read mostly by the better educated. Radio and TV have much larger audiences. Of the two, radio is more likely

⁵ Especialidad.

to be used by advocacy CSOs, especially community radio stations. TV stations, if not run by the government, are mostly subject to strict government oversight, which happens less in the case of the small community radio stations that have sprung up in great numbers, even in very poor countries. We saw how effective community radio could be in Chapter 5 on Uganda where NAFODU used the local broadcasts successfully to fight police corruption.

Another example comes from Nepal. In 2003 PTF supported a small Nepalese CSO, *Forum Against Corruption and Turmoil*, appropriately known as FACT. It successfully pioneered an anti-corruption radio campaign that could eventually be taken up by national radio and television. FACT designed and ran a series of pilot radio programs on a popular community radio station, *Adhyatma Jyoti*, broadcasting in the Kathmandu Valley that concentrated mainly on spiritual and moral themes. The program, entitled *Hamro Chaso (Our Concern)*, was aired for one hour every Friday evening. Its popular signature tune, contents and style of presentation soon built up a sizable audience in the valley. The program took the form of an informative radio magazine, with coverage of corruption cases in Nepal, emphasizing the principles of good governance, and publicizing efforts being made to curb corruption.

The station used dramatic headlines to hold the attention of the listeners which were followed by special reports on the anti-corruption efforts of the government and private individuals. FACT established a regular listeners' forum where citizens were encouraged to express their views. They also held interviews and panel discussions on the subject of anti-corruption and good governance. Prominent personalities from different walks of life were invited to join in. The program attracted the active participation of Nepalese decision-makers, including interviews with high-ranking bureaucrats, politicians and other notables. It came close to the top of the ratings for radio stations in Nepal judged by the large number of calls and letters received from listeners.

FACT was the inspiration of a young Nepalese, Prakash Bhattarai, a civil society activist working for human rights, democracy and peace in Nepal and a dedicated campaigner against corruption. His main patron was Bharat Jangam who in the past had served as the coordinator of the government's public service monitoring and inspection team with the rank of minister. Since leaving government, Bharat had led a campaign against public corruption and provided Prakash with senior support.

An independent assessment undertaken by Professor Ragmee, a Nepalese media specialist, reported that the radio programs had a considerable public following. Listeners surveyed for the assessment said that the broadcasts were "highly informative" and "empowering" in the fight against corruption. Government officials also praised them for "awareness building". The anti-corruption bodies found them: "a very useful tool" to disseminate information on action against corruption. Radio commentators thought the programs: "helped create an anti-corruption climate". One respondent, referring to the listeners, observed: "It is basically their enthusiasm that fueled each episode of *Hamro Chaso*. Had people not taken an interest in our program and had the *Adhyatma Jyoti* not allowed us on air we could not have succeeded. People who predicted that the program would fail are now inspired to go deeper into cases of corruption". Despite these achievements, PTF lacked the resources to provide longer term support and it was disappointing that FACT was unable to attract new donor funding and was forced to stop broadcasting. *Hamro Chaso's* abrupt closure at the end of 2004 caused wide disappointment. "It has created a serious vacuum in the media campaign against corruption" noted a broadcaster in Kathmandu, "*Hamro Chaso* falling silent is a great setback in the fight against this cancerous vice".

Both this experience and that of NAFODU in Uganda suggest that community radio can become a powerful tool in building public intolerance towards corruption, making citizens better informed on what is going on and more aware of their rights. By focusing public attention on specific examples of corruption and debating these on radio, the cases can be widely discussed in bars and public spaces. These programs complement and help reinforce the impact of TV ‘soaps’ that tackle a range of social issues, including corruption. A good example is the Kenyan educational television drama, *Makutano Junction*⁶ which satirizes the behavior of corrupt officials in a comic series, as well as providing advice on a range of health issues—a Kenyan equivalent of *the Archers*, a long running UK radio soap aimed originally at providing farming communities with useful public information. The program, supported by UK DFID and other donors, achieved a large, regular and increasing audience which identified closely with its story. An evaluation of the series concluded that “when it covers more specific issues it is shown to have a particularly striking impact on viewers’ knowledge and some influence on viewer’s attitudes and practice”. The mobile phone texting service which accompanied the series was found to be effective in reaching a large number of viewers and extending its educational impact. Viewers could send a text message for a leaflet to be delivered by mail providing more details on the themes covered by the program. While this program was primarily aimed at spreading information on health matters, the success of *Makutano Junction* suggests that TV drama could be a powerful tool to put across anti-corruption messages, along similar lines to village theater that has been used in a number of countries to satirize corrupt officials.

To conclude

Two critical messages emerge from the cases described in this and earlier chapters that have special relevance to the role of the media in civil society’s fight against corruption. First, we found that effective CSOs have learnt to manage their relationships with a wide range of media outlets, feeding them important anti-corruption stories and messages that will attract public attention and help keep them supportive of reform. Second, the skill level of journalists, especially those working as investigative reporters and commentators on ethical issues, is often inadequate. Consequently, programs to upgrade these skills and nurture good practice are priorities. A third message is that journalists are often well informed about the reality of corruption in their countries, but are not necessarily indignant about it or passionate for its reform. Bringing journalists into contact with reform minded CSOs can initiate a new vigor and moral commitment amongst journalists—changing them from workaday journalists into dedicated investigative reporters.

⁶ Martin Scott, *An Evaluation of the Kenyan Educational Television Drama, Makutano Junction*, University of East Anglia, UK, December 2008. Other similar programs include *Soul City* in South Africa, *Shabuj Chaya* in Bangladesh, and *TV Globo* in Brazil.

Chapter Thirteen

Talking to Power

Corruption is a symptom of the wider problem of governance failure. Measures that reduce corruption almost always are measures that improve governance. In practice, the two are not separable. Strengthening the rule of law, stopping the misappropriation of public funds, holding public officials accountable for their actions, making government more transparent—these are all needed both to stop corruption and to make governments answerable to those they govern. Civic action is the driving force of reform. Yet around the world, ordinary citizens are mostly poorly connected to their governments. They lack influence on what governments do and they do not have a coherent voice to express their collective needs. People feel profoundly disempowered. This is true even in advanced democracies, where turnout at elections is often depressingly low, and markedly more so in poor countries where most citizens are not well equipped to voice their concerns and their sense of distance from those who govern them is particularly acute. Most people do not regard government as either by the people or for the people. And they are right. Changing this reality is the central challenge of governance reform.

Going back many years, faced by widespread governance failure, community activists have sought to promote grassroots participation in how social services are delivered to local communities. Traditionally, this was top down and therefore too often unresponsive to local wishes. Over the past decade, these initiatives have greatly expanded and the methods used have been sharpened, drawing on the experience of path breaking pilot programs.¹ The term coined for these initiatives is *social accountability*; it describes how citizens can hold public agencies accountable for providing education, health and a multitude of other basic services. This reflects a change in attitude towards authority, from a passive plea for improved services to an activist stance, demanding that service providers do a better job in meeting local needs—that staff stop their corruption and other abuses and pay attention to what people really want.

Social accountability brings to the forefront respect for people's rights and entitlements. Yet the new activism aims to be constructive—using tools designed to help citizens to engage with public agencies more effectively, deploying evidence-based analysis and well-researched advocacy. This does not rule out more confrontational approaches, for example with disgruntled groups of villagers marching on the local administrative offices, when officials fail to settle grievances, as vividly described in Chapter 3 on India. Naomi Hossain has aptly described these protests as *rude accountability*² where groups who feel disempowered break the political 'rules' imposed by those in power. This 'unruliness' has become a prominent feature of political life in recent years with the global wave of food riots and austerity protests, the southern European *indignados*, the Arab uprisings, and anti-capitalist 'occupations', which taken together reveals a serious rupture in the social contract that binds society together.

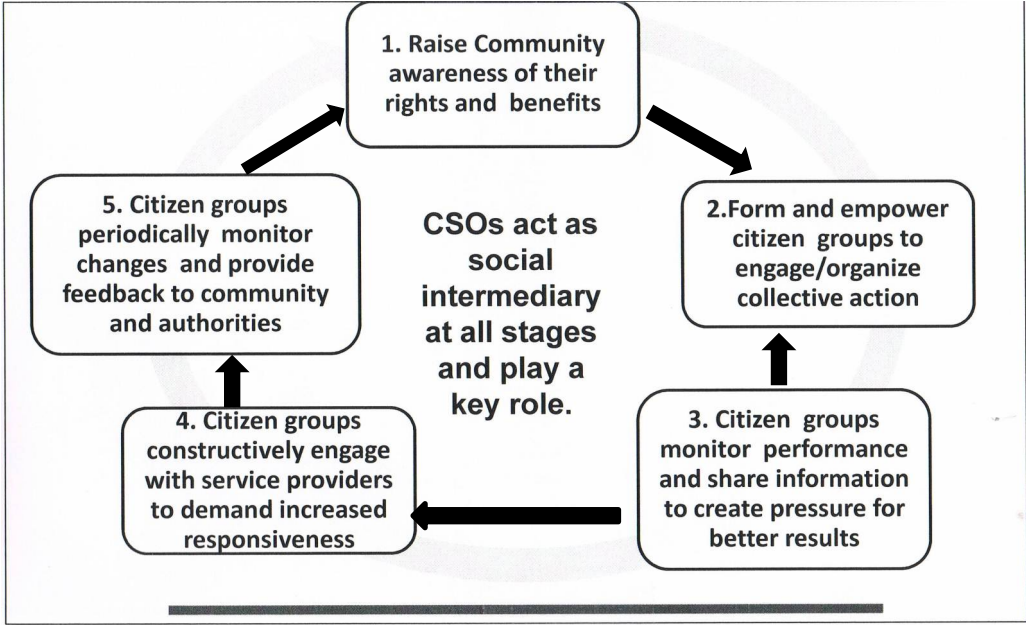
¹ *Social Accountability Sourcebook*, World Bank, 2007.

² See Naomi Hossain, *Rude Accountability: Informal Pressures on Frontline Bureaucrats in Bangladesh* in *Development and Change* 41.5, Institute of Development Studies, September 2010.

PTF’s support for grassroots CSOs described in earlier chapters falls squarely within the realm of social accountability. However, so far, these programs have focused explicitly on corruption and have generally not taken up the wider issues of bureaucratic incompetence and officials’ negligence. We have found that the CSOs are more effective when they concentrate on the worst abuses, which almost always are to do with corruption. The risk is that an exclusive attack on corruption might be more threatening to officials than one that merges with a more comprehensive campaign to improve public services. In both cases there are common concerns, namely to (i) raise citizen awareness of their rights, (ii) promote activities that support those rights, (iii) monitor the delivery of public services, budgets and procurement, (iv) engage with government agencies on how to increase transparency and improve services, and (v) monitor outcomes and maintain a dialogue with government on reform. Diagram 13.1 illustrates this process.

For the most part, PTF-supported projects have engaged in face-to-face contact between citizens and officials and have used the tools of ‘social accountability’ such as beneficiary surveys, citizen monitoring,³ filing right to information requests, public hearings and the like. These have been extensively described in previous chapters. There are other tools that anti-corruption programs have not used, such as community score cards.⁴

Diagram 13.1: Social Accountability Model⁵



Underlying social accountability is the implicit assumption that in most developing countries claiming to have democratic governments, accountability through elected representatives is largely ineffective in stopping corruption and other official abuses in the

³ This is sometimes referred to as a ‘social audit’ defined as monitoring, tracking, analyzing, and evaluating government performance, thus making public officials accountable for their actions and decisions. See G. Berthin, *A Practical Guide to Social Audit as a Participatory Tool to Strengthen Democratic Governance, Transparency, and Accountability*, UNDP Regional Centre, Panama, September 2011.

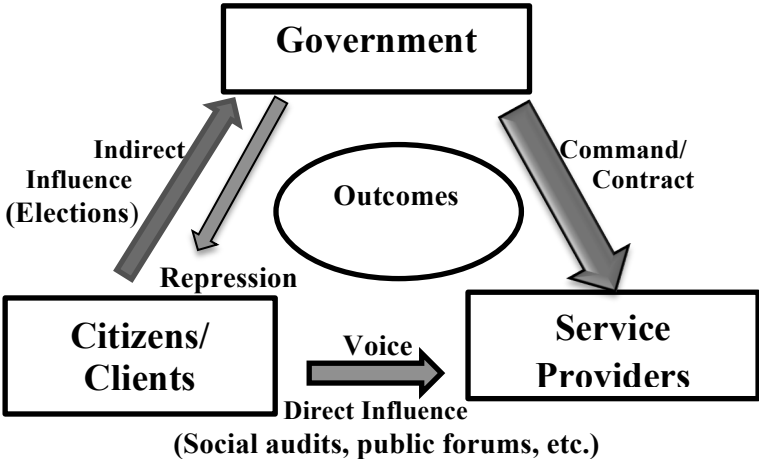
⁴ Community score cards are used to grade the quality and effectiveness of public services and, when repeated over time, reveal trends in the performance of public agencies.

⁵ I am indebted to Vinay Bhargava for this diagram.

delivery of grassroots services. This particularly so where political parties are entrenched with powerful elite interests and are largely immune to pressures from below, which is commonly the case. Social accountability may work, but only if the ruling elite are willing to allow space for advocacy CSOs and do not see it as too threatening. As we saw from PTF projects described earlier, in countries with moderately ‘open access’ regimes (using Douglas North’s terminology), such as India, the Philippines or Uganda, we have found that there is ample scope to use the tools of social accountability, while in Russia the opposite is true. Most countries lie along a continuum between these two extremes.

In some circumstances, senior politicians may tolerate grassroots activism as a way to vent the pent-up frustrations of ordinary citizens deprived of effective services, as seems to be the case, for example, in Bangladesh. Where a regime makes no serious pretense to be democratic, the only hope is that a social accountability approach can gain some traction (see Diagram 13.2). In some cases, by allowing space for CSOs activism at the local level, an unelected regime may hope to gain some legitimacy, as was the case in Bangladesh under President Ershad in the 1980s.

Diagram 13.2: Lines of Influence



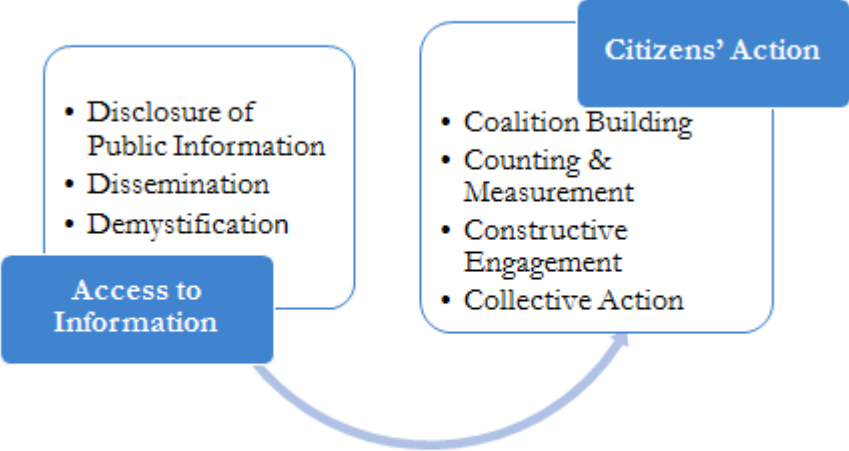
A noteworthy initiative to build capacity for citizen driven accountability is that led by the *Affiliated Network for Social Accountability* which is a partner of PTF. ANSA, funded by the World Bank Institute, aims to promote, strengthen and sustain the concepts and practices of social accountability globally.⁶ In India, ANSA-SAR has assisted nine CSOs. Some of the CSOs supported by PTF have been funded by ANSA, for example: SYD, Adhar, Sambandh, and CUTS⁷. Four of the nine projects focus on NREGS and two on health services under India’s National Rural Health Mission. The remaining projects focus on rural roads, education and climate change. For example, ANSA found that projects related to the National Rural Employment Guarantee Scheme raised awareness (in the case of Sambandh from 31 to 81 percent) and strengthened local capacity to interact with government authorities, enhanced transparency, increased community participation in monitoring work, and improved efficiency and responsiveness in the scheme’s implementation.

⁶ See Annex 3.
⁷ See Chapter 3.

In the case of the health sector, ANSA-supported projects were found to have increased community participation in planning in a way that reduced discrimination against lower caste groups, increased the frequency of visits and raised the provision of health services and medicines in the project areas, improved infrastructure and hygienic conditions. In all these cases the scope of activities was less focused on tackling corruption and more on improving the efficiency of services, though the line separating the two is blurred.

ANSA focuses on citizens’ rights and entitlements and they have used a wide range of tools to strengthen accountability and reduce corruption. For example, a pilot innovation by *Jan Sahas* in Madhya Pradesh used a mix of public expenditure tracking, social audits and community score cards to highlight discrimination that impedes members of Dalit community to obtain their entitlements under Sarva Siksha Abhiyan (India’s flagship program to achieve universal elementary education) and the National Rural Health Mission. Persistent advocacy with local officials have helped Dalits to have better access to education, vaccinations and free medicines and midwifery services. In Bolangir in Odisha, NREGS workers’ rights to shelter, first-aid and a crèche for their infants were met and the quality of grain delivered by the Public Distribution System was improved. *Youth for Social Development* helped villagers monitor the construction of rural roads in Odisha by providing basic information on the projects, demystification the bidding process, explaining how to monitor the quality of road construction and organizing on site public hearings. However, conclusive evidence that these activities have reduced corruption is yet to be collected. ANSA-SAR’s approach to social accountability is illustrated in Diagram 13.3.

Diagram 13.3: Pillars of the Social Accountability Processes



A lot has been learned from these projects about the effectiveness of various tools and approaches, especially how to get public agencies to respond to poor peoples’ needs. ANSA has been collecting case studies that aim to capture the key factors leading to success which may guide replication and contribute to future development effectiveness.

PTF has sought to build on ANSA’s experience in using social audits, one of the tools of social accountability. This involves CSOs monitoring the performance of a government agency and making public their findings. In an experiment to test whether social audits are

effective in rooting out corruption, in 2012 PTF took on a new role as the manager of a pilot project to assist local CSOs to monitor the implementation of a sample of World Bank supported projects in Bangladesh and Nepal. This initiative is entitled Citizen Action for Results, Transparency and Accountability (CARTA). While many Bank-financed projects include third party monitoring, funds are typically channeled through the government's implementing agency. This gives rise to a potential conflict of interest with CSOs monitoring their paymasters. In CARTA, the independent civil society monitors are funded by PTF, using a US\$1.9 million grant from the Japanese Social Development Fund. To make this operation even more 'arms' length', the PTF is working through two local partners, the *Manusher Jonno Foundation* in Bangladesh and *Helvetas* in Nepal, which will select and work with the local CSOs doing the actual project monitoring.

Ellen Goldstein, the World Bank Country Director for Bangladesh and Nepal in 2012, saw independent citizen monitoring as potentially a highly effective way to improve results on the ground: "citizen groups working at the grass roots can provide information on implementation that is hard otherwise to obtain. And getting citizens involved in the work that affects them and their communities can help ensure sustainable results."⁸

The World Bank in consultation with the relevant government officials have identified a number of ongoing projects aimed at improving services which are considered suited to independent civil society monitoring. As one may imagine, local officials are not accustomed to such scrutiny which is potentially threatening, especially if they have something to hide. Their seniors need to be persuaded that the benefits outweigh these considerations with improved results and greater transparency leading to greater public confidence. This is a hard task initially, but in the end it is hoped that officials will see advantages in being seen to run more successful programs. The present expectation is that each sub-project will take 12 to 18 months to test and validate the approaches taken. "This is the first time that the Bank has permitted independent third-party monitoring of the projects it finances," noted Bhuvan Bhatnagar, the World Bank's task team leader for the project, "It is an experiment, but if it succeeds, it can add a new instrument for better results and good governance." The results of this program will emerge over the next year and a half.

Not everyone is convinced that social accountability initiatives are effective. Some researchers argue that there is a dearth of careful studies that show that civic action can really have a lasting impact in making governments with weak governance more accountable than before. For example, David Booth, in setting out the conclusions of the Overseas Development Institute's African Power and Politics research program, mocks social accountability as a magic bullet "that can be counted upon to kill the vampire or werewolf when all else has failed".⁹ He criticizes development agencies such as the World Bank for having embraced social accountability without solid evidence of its efficacy, caricaturing it as "searching not for solutions to problems but for problems to which to attach known solutions". While the issues David Booth and his colleagues raise should not be lightly dismissed, the wealth of well-documented case studies described in this book provides overwhelming evidence of the positive impact of citizen activism and hence the huge potential of the social accountability approach.

⁸ Internal PTF document.

⁹ David Booth, *Development as a Collective Action Problem: Addressing the Real Challenges of African Governance*, Synthesis Report of the Africa Power and Politics Programme (Ch.5), Overseas Development Institute, 2012.

Booth views client ‘voice’ as a weak source of accountability unless accompanied by strong top-down measures. So, he argues, what works is “an effective combination of initiatives that change behavior among *both* suppliers and users of services—the solution of a problem or constellation of problems of collective action across the government/citizen divide”. This draws on work on social accountability at the Institute of Development Studies at Sussex University, especially two phases of research undertaken by the Centre for the Future State and the Development Research Centre on Citizenship, Participation and Accountability.¹⁰ The APPP research rightly emphasizes the need to understand the nature of power politics, but in my experience this in no way negates the fundamental insight that governance reform can *only* come from pressure from below allied with political factions or powerful individuals that in specific circumstances see advantages in joining with civil society groups campaigning for reform.

The limitations that clients and citizens face as demanders of good public services and better governance are clearly recognized and accepted. We cannot pretend that civic activists have an easy task. Moreover, it cannot be claimed that citizens and service users have an uncomplicated interest in better governance and better public services. They may sometimes be complicit in current patterns of bad governance—complicit despite the fact that they are victims. Indeed, service providers may also be unwillingly caught up in the power politics of the elite and therefore may also be victims. As Booth explains “in both cases, the disjunction between current interests and real, long-term interests happens because individuals and groups face collective action problems”. This leads to looking more carefully at the way incentives determine the behavior of both CSOs and higher-level leadership. Competition for political power will have a decisive impact on outcomes. The evidence derived from the 200-odd projects supported by PTF strongly suggests that CSOs can significantly influence this struggle for power.

¹⁰ *An Upside Down View of Governance*, Centre for the Future State, Institute of Development Studies, Brighton, 2010; and John Gaventa and Rosemary McGee (eds.) *Citizen Action and National Policy Reform: Making Change Happen*. London: Zed Books, 2010.

Part 4

Conclusions

Chapter Fourteen

What We Have Learned

Ordinary people hate corruption and when it becomes outrageous and pervasive people rebel. Increasing numbers across the world are getting together to fight bribery and extortion. And they are having an impact. This is evident from the many case studies described in the preceding chapters that have set out considerable empirical evidence drawn from the projects implemented since 2000 by civil society organizations with PTF assistance. These projects were distinctive in seeking to expose specific acts of corruption *and* to engage directly with the responsible public agencies in promoting reforms to put a stop to the abuses that were uncovered. This required great courage and zeal, particularly as the citizens involved were armed with little more than moral commitment, while they faced public officials able to call on the full force of the state or political leaders with a retinue of goons.

This chapter summarizes what has been learned from 127 CSOs implementing over 200 anti-corruption projects—what the impact has been, which approaches work best and what to avoid, which design features are most effective, what the prerequisites for success are, and how results may be accurately assessed. It also discusses what the lessons are for funding agencies and the challenges and opportunities for the future.

Making a difference

Some initiatives failed and some achieved only modest results, but most proved surprisingly successful, and a significant number had a stunning impact. In a few cases millions of dollars were ‘saved’ for a modest cost—just a few thousand dollars. We have described how civil society monitoring of the Bulgarian mobile phone auction helped raise the final price, and hence government receipts, by US\$10 to 20 million; the cost was US\$12,725. An integrity pact overseen by the Nedians in Pakistan saved the Karachi Water and Sewerage Board a similar amount; in this case the cost was US\$25,000. The efforts of G-Watch in tracking the production and distribution of textbooks in the Philippines resulted in savings for the education budget estimated at US\$2 to 3 million *every* year since the project was implemented in 2008; PTF’s grant support totaled US\$80,530. In Azerbaijan, CESD’s tracking of the use of oil revenues led to the recovery of US\$50 million in one case and US\$10 million in another; the two grants supporting these projects came to US\$54,185.¹

Saving public funds is only one dimension of what was achieved. Making public agencies more accountable and helping bring about a gradual yet fundamental transformation of public attitudes towards corruption, while less measurable, has been no less important. In place of grim resignation in the face of wrongdoing by public officials, ordinary people are becoming increasingly angry and that anger, when multiplied across a country through thousands of similar modest initiatives, has the potential to become a powerful political force. It was mass anger that ousted longtime President Zine Ben Ali in Tunisia in January 2011.

¹ The details of each project can be found in the project reports on www.PTFund.org; PTF had additional overhead costs of around 10 percent of the grants and implicit value of PTF’s volunteer advisers’ *pro bono* services (which has easily exceeded US\$1 million each year) is excluded from these figures.

When a community forest users' group in one district of Nepal is successful in stopping illegal loggers, their achievement is an inspiration to similar groups in other districts. When Jananeethi exposes abuse of patients in the testing of drugs in one state in India, it gives momentum to a movement to reform the regulation of such trials across the whole of India. In Mongolia when the local office of the World Wildlife Fund showed local farmers how to challenge mining activities that polluted their fields, others are also encouraged to resist being similarly harmed. And when IGI-FITCAM mobilizes students to oppose corruption at Buéa University in the Cameroon, it inspires students in other university campuses to take up the same cause. In this way the impact of anti-corruption activists can spread like fire in a peat deposit—a slow burn that cannot be put out.

These CSO-led campaigns are struggles between a David and a Goliath. At Buéa University, IGI-FITCAM's promotion of a university anti-corruption program led by a young graduate eventually resulted in the resignation of the compromised vice chancellor. In Mongolia, Women in Social Progress' exposure of the Speaker of the parliament for 'editing' laws after they had been enacted to please vested interests caused his downfall. And TI-Mongolia's program for the adoption of a judicial code of ethics led eventually to the resignation of the chief justice who was half-hearted in tackling corruption. By any measure these were dramatic outcomes.

For poor and marginalized groups, who are the most harmed by corruption, local CSOs can offer hope where there was only despair. They give them the courage to demand their entitlements and hold service providers accountable. They are seen as their trusted champions who take the plight of poor people to heart. Nava Jeevana Mahila Okkoota² staff helping villagers in Orissa gain access to their work and food entitlements under India's social security programs reported that "Some fear among officials and shop owners is observed...they feel that now someone is watching them". Greater transparency makes public services more answerable to the beneficiaries and increases the risks for officials to be blatantly corrupt. Raising poor people's awareness of their rights has been shown to be empowering. Villagers marching on the offices of local officials armed with documented evidence of wrongdoing send shock waves through the whole official system. Ordinary citizens begin to realize that corruption is not 'business as usual' and can and should be challenged. Communities become emboldened.

Designing anti-corruption projects that work

From its start, PTF wanted to support CSO projects that would have a real and measurable impact on corruption. There was a firm determination to move beyond research and analysis to direct action. We quickly found that successful projects depended on targeting well-identified cases of corruption, understanding exactly what was going on—who was doing what and what the incentives were driving stakeholders' behavior and, on the basis of this knowledge, designing an action program that had a credible chance of success. Talking about corruption—making people aware that corruption is an intolerable crime—is not enough. It must be followed by civic action.

We also firmly believe that the initiative to fight corruption must come from the local CSOs and that project proposals should be home-grown. PTF was always determined to be demand driven. The CSOs learnt from a variety of sources that we were willing to support

² People's Rural Education Movement.

anti-corruption projects, but we made no attempt to solicit proposals for programs that we had devised. We wanted the CSOs to come up with their own projects. Thus, from the start these were projects completely owned by the grant applicants. However, we were selective. We made clear that we were only interested in supporting direct actions to fight corruption and the proposals should be strictly time-bound—our goal was for the project to achieve concrete and measurable results within a year, though in practice many ran for longer and in some cases the results were hard to quantify precisely, though many were. We were not willing to consider proposals that were purely aimed at creating awareness, training or research. Notwithstanding these strictures, many proposals we received fell into these categories and were rejected. We accepted less than one in five of the proposals we received and, even then, we needed to work extensively with the grant applicants to strengthen project design. We were willing to collaborate with small, young and inexperienced CSOs provided they seemed genuine and credible. With a few exceptions,³ we did not fund capacity building in isolation, though the process of project evaluation and the consequent revision of project design often constituted substantial on-the-job training or ‘action learning’. There was also significant training built into projects in order to create the capacity, for example, to undertake monitoring or make effective use of right-to-information laws.

Broadly speaking, we found that well-conceived projects usually incorporated the following steps: first, scoping the corruption problems to be addressed and related power structures using surveys, focus groups and the collection of baseline monitoring data where appropriate; second, diagnosis of the problems identified and analysis of the political and bureaucratic context; third, consultations with all the main stakeholders, followed by the formulation and implementation of a time-bound action plan establishing specific milestones; clarity as to responsibilities, setting out who would do what and when; and finally, an assessment of results and the preparation of a project completion report that attempted to measure impact and spelt out the lessons learned. On completion, around half the projects were subject to an independent assessment.

PTF’s cumulative experience has taught us that civil society activism can be very effective provided the approach respects a number of key principles: (i) focus on single set of problems and do not be too ambitious; (ii) do not jump in until you have a good understanding of the problems to be tackled; (iii) wherever possible be non-confrontational, and patiently build alliances with like-minded citizen groups; (iv) identify and work with key champions of reform within the power structure and establish collaborative relations with the concerned public officials where appropriate and feasible; and lastly (v) seek to reform the official accountability systems using the evidence gained from monitoring public services. Let us now look at more detail at the lessons that emerge.

Focused and specific

Project proposals were often weak. A frequent flaw was a failure to be clear about what kind of corruption was to be tackled. Asking the grant applicant to identify and map as precisely as possible the target served to sharpen the design and helped to ensure that the action plan was soundly conceived. Consultations with stakeholders were found to be an invaluable check on the appropriateness of the actions proposed and at the same time helped build their commitment and support.

³ E.g. training of journalists in investigative reporting in Nicaragua and Togo, though the aim was to produce published reports on specific cases of corruption as part of the training.

Many proposals were too ambitious. By seeking to take on too many tasks, they risked losing focus. The chances of success were greatly enhanced by persuading CSOs to concentrate on fewer objectives than first proposed. By successfully implementing a modest project, the CSO established a solid basis of achievement before moving to the next challenge. At the same time, while seeking to limit the project to a very specific goal, preferably to be achieved within a year, we made it clear that if we had the funding we would support subsequent phases, building on concrete results, thereby recognizing that fighting corruption in any area often required persistence over the longer term. Although we were constrained by our limited resources, in a number of instances we did provide a sequence of two, three, even four grants with the goal of helping the grantee to consolidate the impact of what they had achieved. For example, our support for G-Watch to monitor textbook distribution in the Philippines described in Chapter 6 had four phases with four separate grants which did in the end enable them to put in place arrangements to continue the initiative without external support. For sustainability, we thought it important for the grantees to design projects that would not require external funding indefinitely.

Generally, CSOs recognized the advantages of focusing on a specific corruption issue. For example, as described in earlier chapters, in the Philippines NAMFREL tackled the misprocurement of medicines; in Mongolia Transparency International Mongolia worked with judges to establish and disseminate a new code of ethics. In India a group of CSOs put in place measures to stop corruption in the social security system targeting just a few *panchayats*. In Moldova SOARTA addressed the problems of corruption in schools in a single district; in Ghana PAWLA tracked the use of internally generated local council funds also in a single district and ARE tackled corruption in the use of capitation funds for education. In the latter case, simply increasing transparency and empowering those directly concerned led to significantly reduced losses—all those concerned knew they were being watched.

Scoping the problem

Once the CSO had decided which set of problems it wished to tackle, its next step was to find out exactly what was going on—where and what were the points of corruption and why was it happening, who was involved and what were the flaws in the administrative system that allowed corruption to happen? Two tools proved useful. Instead of depending on hearsay or individual experiences, CSOs that undertook surveys or ran local focus groups to get a better ‘fix’ on the problem found such analysis to be invaluable. Not only did they gain a much better understanding of all the factors involved, but they were also able to establish baseline data to be used later in assessing impact.

Alliances and constructive engagement

Focus groups were useful not just to collect information but also as a way of gaining the support of key stakeholders. One way or another, CSOs found that it was important to consult all those most involved for two reasons. First it helped to test the validity of the project’s design. Second, it served to co-opt those who might otherwise have been opposed to the actions proposed and to build broad-based support for the project. This inclusiveness is part and parcel of a broader principle for getting practical results—that of engaging constructively with relevant officials, elected representatives and public agencies.

Initially, many of PTF's grantees found it difficult to reach out to officials but gradually, with positive experiences, the relationships eased as the groups were able to convince the officials of their *bona fide*. These exchanges were helped when citizen groups backed the concerns they raised with robust evidence in place of unsubstantiated allegations. Over time many groups were able to establish a good rapport with key public bodies and were gratified to find sympathizers within those bodies who would go out of their way to help.

As shown in earlier chapters, many projects have demonstrated the benefits of such collaboration. For example, groups in the Philippines were able to use their good relations with officials to gain access to procurement documents and bidding processes, and thereby identify where there was collusion or other malpractices. In Cameroon, IGI was effective in reducing corruption and promoting students' demand and faculty members' commitment for a corruption-free academic environment at the University of Buéa by working with the university's management committee, rather than positioning itself solely as an independent watchdog. Initially this was difficult to achieve and was substantially helped by the mediation of an outsider seen to have rank.⁴ The same was true for ASYOUSSED, which worked with the mayor and councilors of Buéa in Southwest Cameroon to increase transparency and reduce corruption in allocating decentralized public funds for community infrastructure projects.

In the case of the Community Police Anti-Corruption Project in Uganda, NAFODU shifted from exposing police corruption to helping the police to put in place a code of ethics. All levels of police in the region participated in ethics training. The result was both greater transparency in the way police interacted with the population and a more effective police force leading to increased security in the community. This surprising outcome was a result of an intense campaign within a limited area and would require a major effort to be sustained and replicated elsewhere, but it does show what is possible.

In India, the food inspectors responsible for monitoring the Fair Price Shops came to recognize the CSOs as valued allies in stopping the shops cheating poor villagers. In Pakistan, despite turbulent politics, Healthfile managed to gain the ear of policymakers; however, it was not successful in winning the support of the hospital staff and managers where their investigations took place and, as a result, their proposed reforms there were disregarded. Constructive engagement contrasts with a confrontational approach which generally results from naming and shaming those involved in corruption. A more prudent approach is to seek entry points for promoting reform that do not seem too threatening to those key individuals whose cooperation is essential to achieve change. This is a subtle balancing act—to shift the emphasis to systemic reform but in the end making it clear that corrupt acts will be sanctioned.

PTF's experience is that attempts to expose and punish corrupt officials risk an aggressive response from those who are directly fingered. Much depends on the incentives that key actors face and, in each case, on the specific incentives at play, and the way interests play out between junior and senior officials. Understanding this dynamic is critical for success. Since much corruption is both endemic and institutionalized, confrontation implies directly challenging the existing power structure. Unless a CSO is extraordinarily well-connected and can depend on support from powerful figures within the establishment there is little prospect of succeeding. Moreover, taking on officials that have backing from the power structure will easily jeopardize the project. There are situations where naming and shaming is a valid strategy, but it is important for the CSO to be aware of its likely impact on promoting systemic reform. A successful strategy will depend on a clever reading of the political

⁴ E.g. a PTF Adviser.

context. Sometimes rallies and demonstrations serve to alert officials of the depth of popular feelings and persuade them to bend to the popular will. At other times, well-argued evidence-based representations to senior officials works best. Or a well-orchestrated median campaign or a public forum may have the desired result.

Constructive engagement goes hand in hand with building allies in government agencies and finding allies within the political power structure. Fighting corruption is highly political. In many, if not most countries, the proceeds of corruption are often the most important source of income for political parties and the patronage that comes from political power is used to keep the power structure in place. In these circumstances, it might seem paradoxical that CSOs fighting corruption would find any allies within the system, but they do.

We noted in Chapter 2 that the nature of politics in what were termed by Douglas North *limited access states* is one of perpetual struggle among competing factions of the political elite. Even in the most absolute totalitarian states there are keen rivalries. For the most part, the rivalries are self-evident and political control is far from monolithic. The participants in this power game have complex goals and motives with a wide range of views about the policy choices to be made between and about the accumulation of wealth or grabbing it from others. The more sophisticated recognize that sustained wealth creation requires a stable and predictable environment with clear rules and laws objectively administered by a professional judiciary. These people are the natural allies of CSOs campaigning against corruption. Indeed, many of the CSO leaders are drawn from this group and are able to exploit their family, peer group and professional networks to promote their organizations' work. For example, the Mongolian women leaders whose dramatic achievements were described in Chapter 4 all come from the elite. We noted in Chapter 9 that the success of the Nedianis was in large part due to their membership of the administrative class which, even as retirees, gave them access to the governor of Sind Province who became their supporter. Many of the leaders of TI national chapters clearly also belong to the elite. This might be called the 'Wilberforce effect' after the early 19th century British aristocrat who successfully promoted an act of parliament to abolish the slave trade that was enormously profitable to his class, even though he had been engaged in the business himself, because he had come to see it as profoundly immoral.

Moving from local to national level

From the start, PTF aimed to support CSOs that were innovative in pioneering new tools or approaches to fighting corruption in their countries. For example, in Pakistan PTF assisted the Nedianis to use an *integrity pact* to increase the transparency of contracting and sub-contracting for a major public works project. In India, PTF supported a CSO seeking to protect those involved in drug trials thereby giving impetus to reform of the legislation on drug trials across the country. In Ghana, ARE showed local officials how to track the use of local funds. In Cameroon, Asyoused encouraged councils to allow citizens to have a voice in the selection of local council projects. In the Philippines, Ecolink trained young people to use their mobile phones to report the misuse of municipal vehicles, a program that was subsequently adopted nationwide. In Mongolia, local communities were shown how to challenge mining companies that were polluting their farmland with toxic waste. These are just a few of the many CSO initiatives started in one place that have had an impact nationwide.

A number of CSOs have been able to influence policy nationally. In Sierra Leone, the *Society for Democratic Initiative* drafted and then lobbied for the passage of a Freedom of Information Act. The proposed new law was tabled in parliament in mid-2012. In Latvia, Delna successfully campaigned for improvements to a new law on party political funding. In Mongolia, the local TI chapter persuaded the judiciary to adopt a code of ethics. Again, these are just a few of many such achievements described in the preceding chapters. They illustrate dramatically how citizens are able to successfully drive forward anti-corruption reforms in their countries.

By supporting a number of anti-corruption projects on a specific area or issue of corruption in a single country, it is possible to build pressure on the public agency concerned to bring about reform. As we have seen, civil society's demand for less corrupt government expressed through the efforts of a loose coalition of small CSOs can bring about major changes in a way that a single local CSO could not. Success locally enhances the pride and self-confidence of the CSOs. This can embolden them to speak out about corruption at a higher level of decision-making. And greater openness allows for an increasingly effective public dialogue between citizens and those in power, even in countries that are notorious for their high level of corruption, such as Argentina, Cameroon, and India. In this task, clever CSOs will enlist the support of the media, as well as exploit web-based social networks such as Facebook and Twitter.

Tools of the trade

In widely differing settings, a range of tools have proved effective. These include perception or direct experience-based surveys⁵, codes of conduct, vigilance and monitoring committees, and filing right to information requests. Together they enable poor, often illiterate, people to become producers of information for the first time. Careful monitoring permits them to move their reporting of corruption beyond anecdote to hard data. To deploy this information and achieve change, CSOs have successfully used citizen report cards and village level public forums to present findings and request redress.

In India, PTF, in partnership with the Public Affairs Centre in Bangalore, piloted 'peer reviews' in which CSOs assess each other's projects, the tools used and the approaches adopted, and provided to each other comments and suggestions for improvements. This approach had a number of positive results. CSOs learned from each other, and came to appreciate the advantages of a frank and open exchange of experiences. These meetings provided a forum where the participants were able to discuss similar challenges and help each other cope better with their problems.

Support from the media

The media are often the natural allies of CSOs campaigning against corruption. Newspapers thrive on exposing wrongdoing. Consequently, it is important for CSOs to be skilled in managing their relationships with the media; many of PTF's grantees proved to be adept at getting key journalists on their side. In Azerbaijan, CESD was very successful in publicizing the results of its 'audits' of the State Oil Fund's expenditures. In Cameroon, the publicity given to FITCAM's exposure of corruption in targeted universities attracted the attention of

⁵ In contrast to perception based surveys that can always be challenged.

the Minister of Higher Education and generated a spate of activity by some high-level academic officials, who were previously adamantly opposed to FITCAM, as corruption fighters. In Nicaragua, *Ética* mounted a powerful media campaign which alone was sufficient to persuade parliament to pass a law to end the grossly excessive perks of senior officials, though sadly their achievement was short-lived. And Chapter 12 described how effective community radio can be in getting messages across to the public.

Media of all kinds have a key role to play in the process. For example, texting can be used to collect information from larger areas and populations. Once the information is validated and analyzed, it can be displayed graphically and communicated broadly by the press, over the Internet and on television. Low-tech media, such as billboards and transparency walls also continue to play an important role.

Assessing impact

To gain support for citizen led anti-corruption programs, it is essential to demonstrate that they do deliver identifiable and, where possible, measurable results. Hence PTF's constant preoccupation since its earliest days has been to find out how successful the projects it has supported have been. To this end, we have encouraged our grantees to be crystal clear about what impact they hope to achieve and to establish baseline data, or identify specific indicators, which they will use to measure results. In some cases it has been relatively simple: if a CSO plans to stop the theft of drugs, then the outcome can be easily measured. The same is true for a large number of projects where the wrongdoing was very specific: for example, 'leakage' of textbooks, illegal logging, the misallocation of ration cards, and so on. In the case of monitoring procurement, impact assessment becomes more difficult as it is hard to judge what might otherwise have happened, although in some instances—for example, the engineering contract of the Karachi Water and Sewerage Board—there was a counterfactual in the form of staff estimates based on previous contracts. In others, rough estimates can be reasonably credible. Where monitoring identifies wrongdoing which is put right (e.g. poorly built roads or classrooms are rebuilt) part of the impact is easily measurable but there are other benefits (e.g. contractors become less corrupt in future because they have been caught out) that can only be guessed at.

Quantification of the impact is much more difficult when the project aims to change laws or introduce new ones, such as those relating to freedom of information or whistleblower protection or conflict of interest. Passage of the proposed new statute into law is obviously one measure of success, but the eventual impact on corruption will depend on whether and how the law is implemented. All institutional reforms—for example, establishing an anti-corruption commission, adopting a code of ethics or citizen charters and so forth—equally depend on the quality of implementation. That does not mean that such measures are less worthy than actions that have a directly measurable impact on corruption, but we must accept that without follow-up actions the measures will have little real impact. And follow-up depends in part on continued funding which is often not forthcoming.

For most projects PTF has supported in the past two years three advisers not directly involved in the oversight of the grant concerned have independently assessed each project on completion according to a consistent set of measures of performance. Thus, while each project has distinct special characteristics, it has been possible to grade the results in terms of these measures thereby enabling the whole program to be graded. In the year ending March 2012, 40 projects were scored; the average score was 3.3 with 5 being the highest score. Here,

outcomes must be distinguished from outputs; the independent evaluation of PTF programs carried out by the a World Bank consultant in 2008 found that in over 80 percent of the projects supported by PTF, the grantee had implemented the projects satisfactorily as planned. The performance since then has been as strong, if not stronger.

Assessing impact is particularly challenging because the causes of corruption are multiple and often hidden, although the consequences are all too obvious. But, while it may be difficult to quantify the impact of the measures taken and changes in administrative processes that lead to less corruption and greater transparency, a combination of the sheer volume of completed projects, an increasingly systematic approach towards measurement of results, and an increasing number of independent project completion assessments allow a high level of confidence in the conclusions set out in this chapter. And over time CSOs are learning from their experience and that of others to design improved and more relevant measures of project outcomes and indicators of their impact.

Progress towards sustainability

Concerns about the sustainability of results are closely related to those of measuring impact. While a particular initiative may expose wrongdoing and lead to punishment, even restitution, any administrative or institutional reform designed to reduce corruption depends on there being no let-up in efforts to ensure that the reforms remain in place and are made to work. Thus, an anti-corruption program must be conceived as something permanent, in the same way as accounting and auditing. In an ideal world, the state would put in place administrative procedures and measures that were effective in tightly controlling corruption and an independent media and parliament would hold the executive to account. In practice, this ideal is rarely achieved. In most countries the core institutions for ensuring integrity in the functioning of the state are weak and often ineffective. So it falls to civil society activists to carry on the fight. And for this they need funding, which to date has been minimal.

PTF has struggled with the issue of sustainability precisely for the same reason—it has not been able to secure a reliable long-term source of funding—and this has had a knock-on effect for the many CSOs it has supported. We recognized early on that our CSO partners needed sustained support of the kind PTF was not receiving and therefore could not offer its grantees. Nonetheless, where possible we gave priority to providing a second round of funding to well-performing grantees that were able to propose convincing follow-up activities, and very occasionally third round funding. Where this has not been possible, we continued to provide technical and networking support after the funds ran out.

Our goals in working longer-term with our grantees were threefold. First, we recognized that to achieve a sustainable impact, a CSO needed to be persistent in following up an initial success with reinforcing activities aimed at consolidating and carrying forward their achievements. Second, we sought to establish a longer-term relationship with the grantees and work intensively with them to help them acquire the confidence and skills required to successfully undertake increasingly complex anti-corruption activities. Third, we wished to support them in assuming a mentoring role for weaker CSOs in their countries, and so gradually take over the original role of the PTF advisers. In the absence of new funding, this could only be achieved to a very limited extent by assisting CSOs in fewer countries but with more projects in each country. PTF worked to strengthen the capacity of grant recipients through a process of sustained and structured collaboration between the CSO and PTF

advisers. In addition, PTF sought to strengthen capacity through a series of workshops that facilitated the exchange of experiences among likeminded CSOs.

Despite the successes achieved by so many CSOs in a wide range of countries and circumstances, a question remained as to whether our CSO partners would be able to continue to fight corruption after PTF assistance ended. We were impressed by their resilience, confirmed by an independent review⁶ which concluded that “a distillation of messages from a survey of grantees are good reasons to be confident that the local-level work of citizens against corruption would continue even if there were no further external funding”. PTF-supported activities have led to the creation of local structures for tackling corruption, including social watch groups, vigilance committees, forest or water user groups and this sometimes has led to the inclusion of grantees’ representatives in local governance structures. This generates stronger conduits to feed grassroots experience into local-level decision-making. Some grantees established networks that linked together these new local structures to provide mutual support and experience sharing; elsewhere grantees joined wider civil society networks which helped to disseminate successful approaches. This was particularly true in India.

We found that continuity was supported by a virtuous circle of voluntary effort. As citizens implemented activities that were effective in identifying and tackling corruption, they become more confident of their own capacities, were encouraged by their achievements, and became more trusting of the local CSO that supported them and therefore more prepared to commit effort to future action. Success breeds success and this has provided the space for new grassroots leaders to emerge, especially women and young people, who have the energy and the commitment to carry forward this type of work.

Funding is critical

Funding support from PTF for the CSO projects described in this book has been critical. Without these funds in most cases the projects would not have been undertaken. In a few instances, where the citizen groups were particularly motivated, some actions would have been taken but not much. This is in part because we were working in poor countries where there is little capacity and no tradition of raising funds locally for advocacy groups not associated with special interests such as business associations. ‘Charity’ is mostly faith-based and directed to welfare or religious programs. Philanthropy is in its infancy.

Dependence on foreign funding raises awkward questions of legitimacy that risks compromise. Unlike funding for NGOs implementing social welfare programs, support for citizen groups fighting corruption is inevitably seen as highly political, given the intensely political nature of corruption. These risks are particularly prominent when the funding comes directly from a foreign government, even though the donor’s motivation may be beyond reproach. In practice, there are always reasons of self-interest that drive the allocation of aid and the promotion of good governance is inevitably a politically sensitive topic. These concerns can be partly overcome by ensuring a high level of transparency but, beyond that, are best dealt with by insisting that all projects are demand driven—are ‘owned’ by the CSOs receiving the funds. That, of course, does not entirely overcome the problem, since even the best intentioned CSOs are rarely seen as non-partisan.

⁶ John Clark, *Citizens Against Corruption: Mid-Term Review*, May 2011 (<https://ptfund.box.com/shared/e7mkkju9f>).

To return to the issue of sustainability, most donors are unwilling to make commitments for the long term. Except in the case of funding from UK DFID which awarded PTF a five year grant, donor support is almost always limited to one to three years. This forced PTF to supporting projects that were planned to be completed in one to two years. But there was always recognition that most programs were unlikely to have a sustainable impact if the efforts were not continued and the results consolidated over a much longer period. PTF's failure to secure such funding has been a major setback.

This discussion leads to two clear conclusions. First, external donors, whether official or private foundations, need to find ways to commit to supporting programs over the long-term. If, for political and bureaucratic reasons, donors cannot guarantee support beyond the current limits of three to five years (unless they consider endowments), they need to find ways to make a conditional commitment to provide much longer-term support—ten to twenty years, long enough to achieve sustainability. The conditions would be two-fold: first that the CSO implement agreed programs effectively and in good faith, and, secondly, that the donor can itself secure the needed resources. Their failure to make such commitments so far has undermined the effectiveness of their very limited support for CSOs campaigning against corruption.

In practice most official donors have proved fickle. Governments come and go and the turnover of aid ministers is even more frequent. Each new government and, to a lesser but significant extent, each new minister comes with a new agenda. Aid policies change and sound programs are dropped simply to accommodate the latest fad or, worse still, to enable the new minister to make his mark. Similar weaknesses are evident, if less pronounced, in the programs of multilateral aid agencies and for similar reasons. This start-stop process is especially damaging to institution building and governance reform programs where there are no ready-made solutions. They require a long-term effort based on a learning not a blueprint approach. It implies a willingness to try out different approaches and build with a sequence of steps, learning all the way. Errors will be made and if, instead of using these to make route corrections, the journey is abandoned soon after it is begun, the initial investment is wasted. This is what has happened again and again across the world over decades and goes a long way to explain the failures of development aid. It is relatively easy to build a road with engineering blueprints even if corruption adds to the cost, but much harder to establish and sustain a maintenance organization that ensures that the road is properly repaired over time and the funds allocated for this purpose are not dissipated through pervasive corruption. Governance reform, and more particularly, fighting corruption is at the extreme end of the institution-building spectrum in terms of difficulty. Consequently, sustainable results will only be achieved if donors adopt a long-term learning approach.

For all these reasons CSOs should also consider alternatives to foreign donors, collecting membership fees and seeking donations from individual wealthy supporters and from more enlightened businesses that understand the long term benefits of less corrupt government. They can also seek endowments and gifts of assets such as buildings which can earn them income. They might even run small businesses and channel profits into their anti-corruption work. There is need for a new willingness to search for radical solutions to overcome the troubling long-term dependency on foreign funding.

Binding constraints

While it is possible to draw general lessons, as we have above, ultimately local conditions are decisive in determining the success of local citizen initiatives. Some countries, such as India or the Philippines, have well-established governance institutions and processes that allow space for civil society activism. Others, such as the countries in the Maghreb, are feeling their way. And yet others, such as China, North Korea and Russia, are openly hostile to independent civic action. The local legal and political environment can make or break CSOs campaigning for more accountable and honest government. Tyrannical governments that brutally suppress civil society are eventually doomed but their overthrow can be long delayed.

Much also depends on the quality of local CSO leaders—their maturity, determination, imagination and courage. To some extent, these qualities can be nurtured through global and local networks of support, but much also depends on whether they emerge as a function of complex social and political processes that we do not well understand. What recent history tells us is that again and again, sometimes in the most unlikely situations, extraordinary civic leaders have appeared and are likely to do so in the future. PTF has been privileged to work with such people.

Chapter Fifteen

We Have a Dream

All that is necessary for the triumph of evil is that good men do nothing.
Edmund Burke (1729 - 1797)

Our dream is a world intolerant of corruption. This vision is within our grasp. We, the citizens, need simply to say “no” to corruption, to refuse to pay a bribe and never ask for one. And we should loudly condemn those who do. Collectively we must watch those in authority and speak up when we see officials take money to which they have no right in the same way we would unthinkingly leap to stop a thief caught red-handed. In this book I have given example after example where people have done just that. And acts of corruption have been stopped, public money saved, damaged lives made better. These actions must now be multiplied, not a hundred, or a thousand times, but many millions of times across the globe. In short, the answer to corruption lies in our hands and ours alone—indeed collectively in all our hands. Now we must recognize this and act accordingly. We must amplify citizens’ voice to the point where corrupt officials will have nowhere to hide. Yet I am not naïve. We still have a very long way to go. But first we must believe we can do it.

Most countries have yet to establish solid habits of accountable governance. So there are few incentives for those in power to curb corruption. On the contrary, very often the political system of these countries draws its life blood from the corrupt activities of its agents who siphon off whatever public resources they can for their own benefit and that of their political masters. For fairly obvious reasons of global political economy, outsiders—for example, donors—have almost no leverage to compel these regimes to become more honest even though corruption undermines external development assistance. Decades of trying have demonstrated that donor conditionality in matters as sensitive as governance and corruption does not work. The only way corruption can be checked is through the self-help efforts of its own citizens.

Many assert that this is a forlorn hope, as citizens are weakly organized, far from united, lack communal resources and are faced by a recalcitrant and relatively well-organized ruling elite determinedly opposed to governance reform. This book demonstrates that there is growing evidence to the contrary—that citizens when well-organized can make a difference and indeed can be game-changers. At the same time, I recognize that the scope for civic activism varies widely among states. Some provide ample space for CSOs to campaign for more honest government, and some do not. Living in Russia is different from living in India. The purpose of this book has been to draw on the rich stock of PTF case studies to illustrate the huge potential contribution of citizens in the fight against corruption. In the last chapter I summarized what PTF has learned. In this chapter I explore how citizens against corruption might take their campaign forward and briefly discuss the role of aid donors.

Amplifying citizens' voice¹

“Imagine this: A health care worker or parent in a village, with a laptop or mobile device, can access development knowledge in real time through geo-coding and geo-mapping. She can see which schools have feeding programs and which go without, and what is happening to local health. She can upload her own data, throw light on the likely effect of new interventions and mobilize the community to demand better or more targeted health programs.” Robert Zoellick, former president of the World Bank²

The world is changing. The circumstances in which CSOs campaign today are significantly different from those twenty years ago. We have seen how citizens have become more aware of their rights and are ready to take brave action to hold their governments accountable, mobilizing to demand more open and responsive government. In Chapter 3 we reported that in India PTF had supported 15 CSOs to assist citizens to demand their rights in three national social security programs—the Public Distribution System providing food rations, the National Rural Employment Guarantee Scheme giving work to the poor, and the National Rural Health Mission to provide free public health services to the poor. We described how the 29 projects funded by PTF reached 1,000 villages, organized 100 citizen groups and enabled 20,000 citizens to receive the ration cards and work permits for which they were eligible while corrupt practices were curtailed. However, the program is very labor-intensive, involving grass roots civil society organizations visiting hundreds of villages and meeting thousands of inhabitants, and the coverage has inevitably been limited. There are 638,596 villages in India and many millions of people below the poverty line. The citizens against corruption program that PTF has supported has been no more than a pin prick in the thick skin of corrupt officials who permeate the systems. Lasting impact will require two significant changes—a major increase in the breadth of citizen action and a concerted advocacy campaign at the political level. How can the approach that has been successful on a pilot basis be scaled up and given the impulse needed to bring about systemic reforms?

The most significant change affecting civic action over the past fifteen years has been the development of information technology. The latest information management tools can broaden the reach of citizen action dramatically and serve as a catalyst for systemic changes to improve the accountability and transparency in the delivery of public services and the management of programs to assist the poor.

We have already seen in recent years the explosive use of new information and communications technology to amplify the voice of citizens in fighting corruption. In Chapter 6 we described how Ecolink had organized young people in the Philippines to use their cell phones to record and post on the internet photographs of the misuse of official vehicles. Similarly, people can report on the web being asked to pay a bribe, absenteeism in schools and hospitals, extortion by government officials, failures to deliver services, corruption in contracting or the delivery of school supplies or drugs, and election irregularities. They can access information through freedom of information laws and report if they have been denied their rightful access to food or work permits.

These initiatives have common difficulties in validating reported incidents, preventing abuse and in generating remedial actions. I believe these challenges can be overcome. I see great potential in adding to PTF's proven approach of citizen action and constructive engagement with government by exploiting the capabilities of the latest information and

¹ This section draws extensively on Daniel Ritchie and Usha Venkatachallam, *Citizen Action Platform: Amplifying Citizens' Voice through Technology: A Proposal*, 2012.

² <http://blogs.worldbank.org/publicsphere/accountability-based-relationships-data-helps-too>

communications technologies to scale up the actions, aggregate and disseminate information to interested government agencies to promote reform and monitor results.

Recent developments in software make it possible for programmers to mix readily-available information technologies to create tools for monitoring and campaigning for better governance. These include mobile data collection tools,³ interactive voice response systems⁴, ‘crowdsourcing’,⁵ and web-based development frameworks.⁶ Enabling interested or affected citizens to send incident reports through various technologies (web, smartphone or SMS), aggregating it, and visually presenting this information are now easily achievable thanks to the proliferation of these powerful tools. These can support social accountability initiatives in several ways: they can raise awareness on rights and options, empower citizen groups through sharing information and experiences, assist in monitoring services, connect information to action, and amplify voices.

But there are problems linked to using the latest information technology that have been hard to solve. These include how to engage service providers in resolving the problems identified, and how to promote systemic changes. A *Citizen Action Platform* could be established to enable local communities and civil society organizations to achieve far greater accountability in public services, transparency in government functions and participation in governance. This would be a way to test and apply various simple information technology tools that civil society organizations could use to empower and mobilize citizens, gather, analyze and report information, monitor public services, track action to resolve grievances and work constructively with government agencies to improve services. While there are already initiatives such as *Ipaidabrike.com*, for the most part these lack a mechanism to follow up on complaints and track what action is taken by the relevant government officials to put a stop to the abuses.

To envisage what might be achieved, take the case of Bhuje Chinda from Orissa described in Chapter 3. Imagine that she has received her food ration card but when she goes to the Fair Price Shop to receive her 10 kg of rice, she finds the shop is closed on the day it is supposed to be open, or there is insufficient rice or the quality is sub-standard or she is asked to pay for what she should get for free. These are common occurrences. Bhuje sends a text message or calls a preset number. The receiving CSO records the message and verifies the information. It then aggregates issues from other informants and reports them to the Public Distribution System administration. The CSO will be able to track their response digitally and help resolve the problems in a constructive manner with the authorities. The CSO would then respond to the informant on the status of the grievance and the action taken and would also track the follow up. The CSO could map service delivery issues and prepare documentation reporting on systemic problems and pinpointing endemic malpractice, providing evidence to be used to engage the Public Distribution System authorities on reforms. Through this system, identification of corrupt practices and responses can be scaled up systematically.

Such initiatives always entail risks, especially opposition from officials who stand to lose from reform. The grassroots corruption fighter is more vulnerable than the well-connected activists at the national level. No one is likely to beat up on an Anna Hazare,⁷ but

³ Such as EpiSurveyor, FrontlineSMS, and RapidSMS.

⁴ Such as CloudVox and FreedomFone.

⁵ Platforms such as Ushahidi.

⁶ Such as Drupal.

⁷ See Chapter 3.

the field staff of CSOs enjoy far less protection. However, determined citizen action can reach a ‘tipping point’, when corrupt practices are no longer accepted as inevitable.

The missing middle

PTFs funded over the past decade a multitude of grassroots CSO initiatives aimed at helping villagers who are the victims of petty corruption. There were also impressive initiatives which we supported at the national level in many countries aimed at tackling national corruption issues. But there were relatively few initiatives at the intermediate level—at the district and regional levels. The reason for this seems to be that either a CSO operates at a national level generally managed and led by well-educated members of the elite who nonetheless have a commitment to building accountable government and are ready to campaign for governance reforms, or the CSO operates at the field level led by people who driven by a concern to help poor people. Unfortunately, this results in a gap in the overall reform strategy. What is needed is to ensure that the experiences derived from working at the village level are addressed at higher levels of government.

Auditing the auditors

This brings us to longer-term strategies. Civil society monitoring at the point of service delivery is one way to discourage corruption, but is very demanding. It implies constant detailed vigilance which is hard to achieve across a whole country or to sustain over the long term, with the risk that as soon as monitoring is relaxed officials will fall back into their earlier corrupt practices. There are two alternative more cost-effective approaches that have some promise of a more sustainable long-term impact. Both could be pursued. The first is to change the incentives or opportunities for officials to be corrupt by redesigning administrative procedures. For example, procurement rules may be changed to make it much harder to bribe to secure a contract. Wherever possible, PTF encourages CSOs to use the information gathered in scoping a problem of corruption to identify how to reform the administrative procedures in ways that make it much more difficult for the officials to be corrupt in future.

The second approach is to switch from monitoring at the point of corruption to monitoring the performance of the official agencies charged with the oversight, control and audit of field staff—in other words, to monitor the performance of the line managers, the inspectors and the auditors. These are all publicly funded official functions that are intended to deter corruption and to discipline officials found to have transgressed. For example, in the case where Indian villagers are denied work or ration cards under the rural social security system, the CSO could investigate why those managing the programs and those responsible for their oversight and audit are not more assiduous in clamping down on the rampant corruption so widely reported. If almost everyone knows about the abuses, why are those in charge so ineffective in stopping them, if not complicit?⁸ By moving up the chain of command, CSOs can start to put the spotlight on the more senior officials who seem to be so

⁸ Publicly budgeted entitlements intended to benefit various classes of people are often a source of scams. The first tactic of a corrupt official is not to announce such entitlements because no one will ask for an entitlement of which they are unaware, thus enabling the official to pocket the funds. The second tactic, if asked, is to say that the entitlements are used up or unavailable, again covering up their stealing. Commonly, higher officials demand a percentage of such ‘income’—a form of ‘syndicated’ corruption that goes unchallenged within the agency because everyone is in on the scam.

blatantly failing in their oversight responsibilities. This of course is a task that can only be taken on by more established CSOs operating at a regional, state or national level that command greater skills and expertise, and have credible links to the existing political power structure. The national, state or regional-level CSOs could draw on the wealth of evidence of wrongdoing amassed by the lower level CSOs and operate in partnership with them. Getting governments to put in place systems that make public agencies truly accountable and provide effective oversight must be the main way forward if there is to be sustained systemic reform. Meanwhile, the pressure for reform must continue to come from ordinary citizens in a sustained, growing and concerted effort to keep public officials and their political masters honest.

Citizens are against corruption

So engrained is corruption in human society, it is hardly surprising that most people are instinctively skeptical of the ability of ordinary citizens to fight it. They would argue that this task can only be taken on by the state. But, as is all too well known, in very many countries the state is captive to the bureaucratic and political elites that thrive on the proceeds of corruption, or are prime movers of it. We can be certain that left to themselves they will do nothing much about it. Even in countries like the UK which scores relatively highly on TI's corruption perception index⁹, the government has been slow to prosecute companies that have been suspected of offering massive bribes to obtain contracts. So the initiative cannot be left to the public authorities—it must be driven by concerned citizens.

Corruption and the associated lust for power and greed will never entirely disappear. People are forced to live with corruption and many find it easier to acquiesce than take the risk of standing against it, refusing to pay bribes and fighting against extortion. They see it as the least costly way of doing business. Yet corruption is hugely damaging to the social fabric and should never be condoned in any form. Those in power who benefit from corruption will never police themselves. Honest government will only come about if ordinary people demand it. And the central message of this book is that pioneering groups of citizens have started to fight back successfully and their achievements are showing the way. Consequently, attitudes within these societies are gradually changing, too, along with growing awareness that corruption is not inevitable. There is a general sense of greater empowerment among citizens long abused by 'their' governments; the fight against corruption is just part of a wider movement of citizens demanding more accountable, open and responsive government—including the Orange Revolution, the Iranian Uprising, the Arab Spring, and many less dramatic popular reform movements.

The second key message is that local groups can do much on their own, as I have shown in earlier chapters, but for systemic reform they need a helping hand. So far official donors have let them down badly. Huge amounts of aid have been channeled to corrupt governments that have no intention to reform despite the clever rhetoric tuned to the expectations of donors. Donors have duped themselves about the motives of their aid recipients by espousing the principles of ownership and alignment enshrined in the Paris Declaration¹⁰ without any convincing demonstration that the recipient governments genuinely intended to reform. Civil society was the Cinderella of the aid ball. If, 20 or 30 years ago, donors had recognized these now self-evident truths and had invested in building the capacity

⁹ UK was ranked 17 out of 176 countries in Transparency International's 2012 Corruption Perception Index.

¹⁰ <http://www.oecd.org/development/aideffectiveness/34428351.pdf>

of civil society organizations—in strengthening professional and business associations, policy research centers, and advocacy NGOs and training journalists to be responsible investigative reporters—the world might now be a very different place. Big sums were not needed; if just 2 to 3 percent of donors’ budgets had been spent in this way, it could have made all the difference. To reduce their political profile, these funds need to be deployed sensitively, which can be best achieved if they are channeled indirectly through a partnership of the international and national voluntary sector. It is late, but not too late, for the donors to have a change of heart.

The role of the World Bank in supporting the demand for good governance was examined in detail in a report prepared by PTF in 2009¹¹. The report noted that the Bank’s governance and anti-corruption strategy, adopted in 2008, called for the Bank to engage with civil society stakeholders, but in practice this has been a very small component of the Bank’s operations. In 2007/8, when the report was prepared, only 40 percent of the country assistance strategies included a demand-for-good-governance component, though this percentage has risen steadily since then. The Bank has used its Development Grant Facility to support civil society’s anti-corruption activities, but here too the funding has come to an end. In its place the World Bank has established a new Multi-Donor Trust Fund in support of the Global Partnership for Social Accountability, but initially only US\$5 million was allocated to it annually—a totally inadequate sum. US\$500 million would have been more likely to give the impetus that would make a real difference globally.

The UK’s Governance and Transparency Fund established in 2008 was an excellent example of the type of initiative required, but is now coming to an end. It is perplexing and disheartening that there will be no second phase. It seems that the £130 million invested in initiating CSO programs is likely to be partially lost in the absence of a follow-up program which internalizes the lessons learned and seeks to consolidate the successes. Why?

The final message is to re-emphasize that fighting corruption is not a simple technical matter of law enforcement. It calls for a fundamental change in societal values and attitudes that define the relations among citizens and the between the state and civil society. Corruption will only be finally contained when traditional patronage networks are replaced by more modern relationships of mutual respect, inclusiveness and integrity, when there is a separation made between the private and the public spheres, and politics are conducted respecting the rule of law, impartially administered with everyone equal in the eyes of the law. This will take some time. Consequently pursuing governance reform and rooting out corruption is a long-term endeavor. The challenge is to stay the course.

¹¹ Vinay Bhargava, Kit Cutler and Daniel Ritchie, *Stimulating the Demand for Good Governance*, World Bank, 2009.

Annex 1: List of Projects Directly Funded by PTF 2000-12

Year	Country	CSO Grantee	Project	Grant Amount
2000	Bulgaria	TIB	Monitoring GSM License Auction	12,725
2001	Latvia	DELNA	Monitoring Government's Initiatives to Address "State capture"	11,835
2001	Cambodia	CSD	Anti-Corruption Strategy and Legislation Development	11,900
2001	India	TI-India	Enhancing the Effectiveness of Citizen Charters	15,000
2001	Brazil	Transparencia Brasil	A Web-based Local "Procurement Assistant"	5,000
2001	Columbia	Transparencia Colombia	Provision of PCS Services	2,323
2001	Paraguay	Transparencia Paraguay	Monitoring Privatization	15,000
2001	Pakistan	NEDIANS/TI-Pakistan	Karachi Water and Sewerage Board IP	25,000
2001	Poland	Asocjajce	Transparent Communes	16,500
2001	Mongolia	Zorig	Anti-Corruption Media Competition	15,000
2001	Brazil	Transparencia Brasil	Sao Paulo Anti-Corruption Program	7,350
2002	Pakistan	TI-Pakistan	Karachi City Traffic Police Department	20,000
2002	Ecuador	CLD	CONATEL Integrity Pact	15,000
2002	Indonesia	TI-Indonesia	Integrity Pact for Solok District	25,000
2003	Tanzania	PORIS	Combatting Corruption in the Electoral Process (PORIS)	22,000
2003	Costa Rica	TI-Costa Rica	Mapping Forest Corruption	17,500
2003	Mongolia	Zorig	National Anti-Corruption Program	15,970
2003	Philippines	PWI	Monitoring Local Government Procurement	8,200
2003	Peru	Proética	Increasing the Transparency of Local Government Contracting	24,000
2003	Tanzania	RIRA	Local Government Public Expenditure Tracking	12,362
2003	Philippines	ASG (G-Watch)	Textbook distribution	24,727
2003	Nicaragua	Ética	Media Campaign Against Serious Pension Abuses	25,000
2003	Nepal	FACT	Anti-Corruption Radio Campaign	2,576
2004	Kyrgyzstan	TI-Kyrgyzstan	Monitoring Use and Abuse of Campaign funds in Parliamentary Elections	25,440
2004	Tanzania	ForDIA	Monitoring the National Anti-Corruption Strategy Access to Public Information at the National	25,000

2004	Argentina	CIPPEC	Executive Branch: Promoting an Innovative Monitoring Mechanism	19,082
2004	Poland	TI-Poland	Citizen`s Anti-Corruption Legal Toolkits	21,150
2004	Tanzania	VETO	Review of Dar-es-Salaam WASA privatization	16,200
2004	Slovakia	TI-Slovakia	Enhancing Public Procurement	25,000
2004	Nigeria	SERI	Enhancing Public Sector Financial Accountability	25,000
2004	Argentina	ACIJ	Strengthening the National Audit System	21,900
2004	Czech Republic	TIC	V4 City Institutional Corruption Index	13,846
2005	Latvia	Providus	Monitoring of Anti- Corruption Law-Making	14,081
2005	Sierra Leone	NAG	Dissemination of the National Anti-Corruption Strategy	21,350
2005	Venezuela	Transparencia Venezuela	Undertaking a National Integrity Survey	21,000
2005	India	PAC	Assessing a Decade of Citizen Charters	25,000
2005	Liberia	Green Advocates	Green Advocates Protecting Communities Against Illegal Logging	29,150
2005	Nicaragua	Ética	Training for Journalists in Investigative Reporting	25,300
2005	Argentina	Poder Ciudadano	Transparency Tools for the Businesses for Public Procurement	29,916
2005	Poland	ALLCG	Local Government Transparency Standards	24,818
2005	Russia	IAHRP	Transparent Regional Budgets	17,540
2005	Uganda	UJCC	Tracking Primary Education Expenditure	20,000
2005	Philippines	G-Watch	Tracking the Distribution of School Textbooks	29,472
2005	Philippines	G-Watch	Masters Level Training in Journalism	25,300
2005	Ecudaor	Grupo FARO	Promoting Transparent Elections: Monitoring Misuse of Social Programs	24,000
2005	Ghana	GII	Raising Public Awareness of Corruption	18,000
2006	Mongolia	WSP	Regulation of Conflict of Interest in Mongolia	16,449
2006	Latvia	DELNA	Monitoring Contracts for Three Large Construction Projects	24,000
2006	Poland	Green Network	Monitoring the Use of EU Environmental Grants	16,500

2006	Ecuador	Grupo Faro	Monitoring the Food Support Program	24,000
2006	Pakistan	Heartfile	Assessing Governance for Eliminating Corruption in the Health Sector	23,183
2006	Philippines	G-Watch	Textbook Count 4	22,555
2006	Mongolia	WWF	Public Monitoring of Corruption in Mining	21,500
2006	Philippines	ECOLINK	Local Government Vehicle Use Monitoring	16,500
2007	Nepal	WVAF	Campaigning Against Post-Conflict Corruption	25,000
2007	Togo	LIT	Training Journalist to Investigate Corruption	22,500
2007	Romania	Pro-Democracy Association	Tracking Local Government Budgets	23,140
2007	Russia	CISC	Civil society for transparent Government in NW Russia	25,844
2007	Kyrgyzstan	NurJolBer	Tackling Education Sector Corruption	22,560
2007	Timor L'Este	Luta Humutuk	Monitoring Local Road Construction	23,500
2007	India	CUTS	Combating Corruption in Rajasthan with RTI	28,400
2007	Uganda	NAFODU	Corruption Awareness and Prevention Program in Uganda	25,000
2007	Philippines	TOBSPA	Philippines Boy Scouts Governance Camp	19,660
2008	Rwanda	TI-Rwanda	More Transparent Land Registration	18,170
2008	Sierra Leone	SDI	Promotion of a Freedom of Information Act	25,000
2008	Uganda	ULS	Enhancing the Capacity of Lawyers to Promote Accountability: Monitoring Court Corruption Cases	25,000
2008	Albania	TI-Albania	Monitoring Property Rights	25,630
2008	Mongolia	TI-Mongolia	Training on Preventing Corruption in Public Procurement and Judicial Systems	23,681
2008	Uganda	APSEA	Strengthening Professional Associations to Promote Integrity	
2008	Ghana	Save Ghana	Election Monitoring	22,557
2008	Kazakhstan	TI-Kazakhstan	Advocacy and Legal Aid Centres (TIK)	24,800

2008	Mongolia	GI-Mongolia	Empowering the Public Council to Curb Corruption (GIM)	25,000
2008	Uganda	NAFODU	Radio Campaign to Fight Corruption	30,000
2008	DRC	LICOCO	Ligue Congolaise de Lutte Contre La Corruption	25,000
2008	Liberia	LDI	Local government Development Fund Survey	24,500
2008	Uganda	TI Uganda	Empowering Local Councils to Fight Corruption in Rakai District	25,336
2008	Azerbaijan	CESD	Monitoring Expenditures of State Oil Fund	19,189
2008	Philippines	INCITE	Government Participatory Monitoring in Isabela Province	25,069
2008	Philippines	NAMFREL	Drug Monitoring	23,296
2008	Philippines	Ateneo University	G-Watch: Institutionalizing the Capacity Building of CSO Procurement Observers	27,500
2008	Uganda	UENO	Enhancing Community Involvement in Monitoring School Building	24,000
2008	Latvia	DELNA	Monitoring Construction Phase of National Library	36,739
2008	Moldova	Institute for Democracy	Fighting Academic Corruption Tiraspol State University	23,682
2008	Philippines	ECOLINK	Monitoring Government's Education and Highways Departments	27,500
2008	Cameroon	GNGG	Fighting Football Corruption	21,500
2008	India	YSD	Service Delivery Brahmapur City	
2009	Lithuania	TIL	Enhancing the Whistleblowers' Protection Law	35,000
2009	Uganda	NAFODU	Implementing a Code of Ethics for Police	44,547
2009	Mongolia	TI-Mongolia	Improving Judicial Code of Ethics	22,380
2009	Serbia	TI-Serbia	ALAC	31,000
2009	Philippines	EBJF	Strengthening Local Participation in Procurement Process (EBJ Foundation)	21,508
2009	Trinidad	TTTI	Evidence Given to Construction Sector Enquiry	12,000

2009	Azerbaijan	CESD	Monitoring of Expenditures of State Oil Fund	21,944
2009	Indonesia	PATTIRO	Building Citizen Monitoring System on Budget Expenditure Accountability in Education Sector	25,000
2009	Philippines	ECOLINK	Monitoring SK Funds and Functionality	29,228
2009	India	Jananeethi	Reducing Corruption in the Conduct of Drug Trials in Kerala	21,200
2009	Cameroon	IGI-FITCAM	Curbing Corruption at Buea and Siantou Universities	22,200
2009	Moldova	Institute for Democracy	Tackling Corruption at Tiraspol and Taraclia Universities	24,529
2009	Moldova	SOARTA	Monitoring the School Exam System in Rayon Soroca	25,000
2009	India	RELEK	Corruption in Implementation of NREGS in Uttarakhand	32,000
2009	Philippines	CCAGG	Abra Water and Irrigation Systems Watch	24,775
2009	India	SVYM	Mobilizing Youth and Communities to Fight Corruption, Karnataka	19,400
2009	India	PREM	Reduce Corruption in Implementation of NREGS, PDS and Forest Rights Act, Orissa	21,000
2009	India	YSD	Citizen Monitoring of Public Services, Preventing Bribery in Brahmapur City, Orissa	31,850
2009	India	CUTS	Use of RTI to Check Corruption in Rural Development Programs in Rajasthan	36,000
2009	India	Paraspara Trust	Reducing Corruption in the PDS in Urban Slums, Bangalore	17,850
2009	India	Ayauksam	Reducing Corruption in the Health Sector, Orissa	21,000
2009	India	CFAR	Reducing Corruption in the Delivery schemes, Bangalore	13,850

2009	India	Adhar	Reducing Corruption in NREGA and PDS, Bolangir	17,600
2009	India	Sambandh	Reduce Corruption in NREGS Through Social Watch Groups Orissa	35,000
2009	India	Suraksha	Reduce Corruption in NREGS Through RTI, Gajapati District, Orissa	13,450
2009	India	VICALP	Reduce Corruption in Implementation of NREGS, Orissa	20,900
2009	India	Prerana	Fight Corruption in NREGA and Other Services, Karnataka	27,750
2009	Argentina	CIPPEC	Regional Advocacy Campaign	25,000
2009	Argentina	CIPPEC	Towards Evidence-Based Sub-National Governance Reforms	17,800
2009	Ecuador	Grupo Faro	Towards Evidence-Based Sub-National Governance Reforms	24,800
2010	Mongolia	WSP	Resolution of Conflict of Interest	24,580
2010	Lithuania	TIL	Enhancing Whistleblowers' Protection 2	30,000
2010	Latvia	Providus	Fair Election Campaign in Latvia	30,000
2010	Croatia	PSD	Active Policy Advocacy Project	29,935
2010	Nigeria	DARC	Reducing Procurement Risk in DPPID Cross River State	33,925
2010	Latvia	Delna	Monitoring Construction of Latvia's National Library	34,991
2010	Mongolia	GI-Mongolia	Transparency Campaigning to Curb Local Government Corruption	30,000
2010	Philippines	BBC	Replication of BBC Government Procurement Monitoring mechanism	33,405
2010	India	TI- India	Establishment of Integrity Pact Cell for Public Contracting in India	35,000
2010	Estonia	TI-Estonia	Enhancing Internal Supervision of Local Governments	27,930
2010	Cameroon	ASYOUSED	Participatory Budgeting, Buéa Municipal Council	14,981
2010	Ghana	PAWLA	Tracking Internally Generated Local Government Funds in	36,248

2010	Uganda	ULS	Sissala Promoting Accountability and Transparency	35,000
2010	Moldova	Nat'l Institute for Women	Fighting corruption in Public Health Services	27,000
2010	Philippines	NAMFREL	Monitoring Medicines	35,425
2010	Nepal	Samuhik Abhiyan	Combating corruption in Local Health Systems	18,350
2010	Philippines	G-Watch	Localization of the Project Procurement	30,475
2010	Cameroon	IGI-FITCAM	Strengthening University of Douala Internal Mechanisms for Tracking & Curbing Corruption	34,000
2010	Cameroon	ALDED	Monitoring the Quality of Classroom Construction in the Department of Mefou and Afamba	30,163
2010	Ghana	ARE	Promoting Accountable & Transparent Governance in Education	34,500
2010	Uganda	UENO	Enhancing Capacity of School Management Committees in Monitoring Education Sector	25,000
2010	Armenia	P&T NGO	Transparent and Accountable School	32,000
2010	Philippines	PhilDHRRA	Bantay Agri Tayo (Let's Watch Agriculture)	30,194
2010	Nepal	Forest Action	Curbing Corruption in Community Forestry	29,625
2010	Romania	SAR	Enhancing the Transparency and Accountability of Energy Policy and Regulation	27,900
2011	Serbia	YUCOM	Supporting Adequate Response of the Serbian Judiciary Through Corruption Trial Monitoring	38,419
2011	Bolivia	Construir	Citizen Oversight of Bolivia's Justice System Reforms	25,000
2011	Albania	CPII	Monitoring State Publications	35,000
2011	Argentina	CIPPEC	Monitoring Campaign Financing of the 2011 Election	40,000
2011	Kenya	IGI-Kenya	Public Accountability via Citizen Engagement	26,300
2011	Moldova	TI-Moldova	Improve the Implementation of the National Anti-corruption Strategy	30,000
2011	Ecuador	Grupo Faro	Transparent Municipalities: Management of Information Systems and Alternative Technologies	35,000
2011	Azerbaijan	IAPA	Media Empowerment: Struggle Against	29,788

2011	Kenya	TI-Kenya	Corruption Empowering Citizens to Hold and Demand for Accountability from Duty Bearers	25,600
2011	Uganda	INFOC	Monitoring & Public Procurement	30,000
2011	Serbia	Toplica	Transparent Public Procurement for Less Corruption in Serbia	32,400
2011	Cameroon	ASYOUSED	Improving Transparency in Project Identification in Tiko & Buéa	35,000
2011	Kenya	CLARION	Partnership for Budget Accountability in Local Authorities	35,000
2011	Kenya	NCKK	Enhancing Community Participation in Management, Monitoring and Evaluation of Constituency Development Funds	26,000
2011	Serbia	Juzne Vesti	Reduce Corrupt Practices in Budgeting & Spending in Local Govt. in South Serbia	30,900
2011	Philippines	ECOLINK	SK Watch Exit Plan	29,799
2011	Philippines	NLCGG	Participatory Local Governance in Northern Luzon	39,500
2011	Philippines	PCDSI (formerly ECOLINK)	Bantay Red Plate	39,500
2011	Nepal	Forest Action	To Reduce Corruption in the Community Forestry Sector by Promoting innovative, transparent & accountable Governance	34,996
2011	Philippines	CCAGG	The Conditional Cash Transfer Program	35,500
2011	Montenegro	CDT	Improving Services and Transparency in Kotor	27,490
2011	Uganda	ACCU	Preventing Leakage of Anti Malaria medicines in Uganda's Health Sector: Lira District	35,000
2011	India	Jananeethi-2	Save Clinical Drug Trials Ethically Sound and Corruption-free	35,000
2011	Azerbaijan	CESD	Monitoring Railway Project in Azerbaijan, Georgia, & Turkey	34,996
2011	Cameroon	AGDGG	School Resource Management Project	21,300
2011	Cameroon	IGI-FITCAM	Follow-up Project to Reinforce the Capacity of the University of Buéa to Undertake Concrete	30,000

2011	Ghana	Save Ghana	Actions Against Corruption Promoting Accountability & Responsibility for Improved Basic Education in Ghana	26,500
2011	Kazakhstan	PFDESC	Fight Corruption as Kazakh Higher Education Institutions	26,400
2011	Moldova	SOARTA	Education Against Corruption Program	38,500
2011	Philippines	G-Watch	Combatting Corruption Through School-based Monitoring of Education Services in the Philippines	35,045
2011	Honduras	ASJ	Capacity-building, Social Auditing and Advocacy for a Stronger Educational System	\$35,000
2011	Romania	EFOR (formerly SARS)	The Second Energy Agency Monitoring Project	30,000
2011	India	YSD	Community Engagement in Fight against Corruption and Improve Service Delivery in Brahmapur city of Orissa, India	35,000
2011	India	RLEK	Transparency in National Rural Employment Guarantee Scheme in Uttarakhand	35,000
2011	India	PREM	Reduction of Corruption in MGNREGS & PDS Odisha	35,000
2011	India	Suraksha	Reduction of Corruption in MGNREGS & PDS in 12 Panchayats Gajapati District	35,000
2011	India	ADHAR-2	Reduce Opportunities for Corruption in NREGS and PDS	34,999
2011	India	VICALP-2	Reduce Opportunities for Corruption in MGNREGS	34,986
2011	India	CFAR	Fighting Corruption in PDS and ICDS: Response from Women Collectives of Urban Poor Settlements	35,000
2011	India	Ayaskam	Establish and Strengthen the CBOs Networks	35,000
2011	India	SVYM	Community Movement Against Corruption in PDS	35,000
2011	India	NJMO & Prerana	Citizens Against Corruption	34,867
2011	India	Sambandh	Checking the Corruption by Rural Call Centre and Social Watch Group	35,000
2011	India	Paraspara Trust	Addressing Corruption in PDS by Citizen Groups	34,999
2011	Nepal	Samuhik Abhiyan	Combatting Corruption through Citizen Participation	29,108
2011	Kenya	YAA	Youth Highlighting	32,000

2012	Mongolia	TI-Mongolia	Corruption Using Technology Strengthening Capacity of Law Enforcement Agencies	33165
2012	India	TI-India	Next Phase of IPs	25000
2012	Azerbaijan	CESD	Monitoring Rail Construction	25,000
2012	India	CUTS	Corruption Free & Transparent Service Delivery in Rajasthan	25000

Details of these projects can be found on the PTF website: PTFund.org

ANNEX 2

Projects Funded Through FONTRA 2007 to 2010

Year of approval	Country	Organization	Project	Amount granted by Fontra-PTF (US\$)
2007	Argentina	UDESA	Towards a public policy on assets recovery from corruption	21,500
2007	Paraguay	SUMANDO	“Ñande Tava Coronel Oviedo (Our City Coronel Oviedo)	17,472
2007	Bolivia	CDC	Right to information, a tool in the fight against corruption	22,350
2007	Chile	PARTICIPA	Transparency in financing private initiatives with state subsidies in Chile	20,750
2007	Uruguay	CLAEH	Responsible citizenship: strengthening of institutions and transparency for the management of public resources	20,005
2008	Argentina	ACIJ	Constructing change: tools to combat corruption	20,000
2008	Argentina	ACIJ	Access to information and control of corruption	20,000
2008	Argentina	CIPPEC	Regulation of lobbying and conflict of interests in the Argentine Congress	19,957
2008	Chile	GENERA	Citizen control and access to information of Florida municipality	20,000
2008	Argentina	INECIP	Transparency relating to the justice system and taxation crimes in Cordoba	15,000
2008	Bolivia	CABOCO	Monitoring of public procurement system	19,815
2008	Bolivia	POR Bolivia	Promotion of ethics with private export companies	12,000
2008	Chile	CLC	Citizen control and access to information at San Joachim municipality	20,000
2008	Paraguay	Tierra Nueva	Transparency and accountability at the ministry of finance	20,000
2008	Uruguay	Uruguay Transparente	Corruption perception and action proposals	20,000
2009	Argentina	INECIP	Promoting transparency at the Ministry of Defense	5,600
2009	Paraguay	CEJ	Fighting corruption at the public procurement system	9,000
2009	Argentina	CIPPEC	Promoting corporate commitment against corruption	17,990
2009	Argentina	INECIP	Strengthening public hospitals procurement system in Santa Fe Province	15,000
2009	Argentina	CIPPEC	Promoting access to information of public energy providers in San Fe Province	17,996
2009	Argentina	CIPPEC	Regulation at municipal and provincial level	17,999

2009	Uruguay	CAINFO	Access to information and active transparency index	18,000
2009	Bolivia	CABOCO	Monitoring of public procurement system, phase II	20,000
2009	Argentina	PODER CIUDADANO	Promoting transparency for electronic procurement at the Federal level	17,734
2009	Argentina	CIUDADANOS 365	Access to public information in the Cordoba Province	12,000
2009	Argentina	CEP	Access to information and control of corruption in Patagonia	16,890
2009	Argentina	CEC – FSA	Promoting CSR based on fiscal transparency	15,000
2009	Argentina	UDESА	Strengthening of the public ministry for asset recovery	18,000
2009	Argentina	UDESА	International cooperation as an anticorruption mechanism	16,500
2009	Argentina	FEC	Implementation of access to information legislation in Santa Fe Province	15,800

Details of these projects can be found in Spanish on the FONTRA website: fontra.org

ANNEX 3

Affiliated Networks for Social Accountability

The publication of this book has been facilitated through a grant from the South Asia Regional Office of the Affiliated Networks for Social Accountability (ANSA). ANSA defines social accountability as the ways and means in which citizens can hold public institutions accountable in terms of delivering public services, improving people's welfare and protecting peoples' rights and entitlements. This annex briefly describes the origins and mission of ANSA, and the current activities of ANSA-SAR.

Origins of ANSA

The idea of establishing ANSA emerged at a regional conference on social accountability held in Accra, Ghana in 2006. The conference identified a need to connect social accountability practitioners across Africa to create a more cohesive community of practice. They proposed that a regional 'platform' be established to serve as a continent-wide clearinghouse for knowledge products, capacity building, and networking for social accountability in Africa. Out of this process, ANSA Africa was born.

It quickly became clear that this model had a strong potential for supporting practitioners in implementing social accountability approaches at the local and national levels, for collecting and disseminating research on such approaches, and for raising the overall awareness and profile of social accountability work both regionally and globally. Within regions and across regions similar demands existed: demands for capacity building, knowledge products, research and, above all, for a network to support the work of similar programs regionally and globally. ANSA Africa was followed by new networks in the East Asia Pacific region (2008), South Asia (2009), at the global level (2009), and most recently in the ANSA Arab World (2011). ANSA has been funded by the World Bank Institute¹.

What is ANSA's mission?

ANSA aims to:

- Build capacity of individuals and organizations on good practices in social accountability;
- Provide a knowledge base disseminating good practices;
- Facilitate networking and regional exchanges among practitioners; and
- Provide technical assistance and strategic support to practitioners engaged in demand-side governance initiatives.

ANSA provides grants to civil society organizations to practice social accountability, and conducts and disseminates research. It works to build the capacities and competencies within both state and civil society institutions. In terms of conducting and disseminating research, ANSA's South Asia Regional office and Governance Partnership Facility has also conducted several capacity building and training workshops for its partners as well as state actors. Through these activities, ANSA attempts to build and strengthen a community of good practice around social accountability.

¹ <http://wbi.worldbank.org/wbi/content/affiliated-networks-social-accountability-ansa>

While their work is varied, the ANSAs are linked by their common goal of seeking innovative ways to equip civil society organizations and ordinary citizens with the skills necessary to play a more active role in holding governments to account.

What are ANSA-SAR's programs?

Since its establishment in 2009, the ANSA-SAR has supported various initiatives in the region (initially in Bangladesh, India and Sri Lanka, and more recently also in Pakistan and Nepal) aimed at increasing capacities of civil society organizations and public institutions to undertake and enhance social accountability interventions. The four years of ANSA-SAR experience, coupled with the partners' previous experiments in applying social accountability tools, provide a good ground for pushing the boundaries of social accountability as a knowledge area and harvesting the lessons learned.

There are four regional ANSA hubs—Africa, East Asia Pacific, South Asia and the Middle East—and a Global Seed Fund to promote ANSA in different regions. ANSA South Asia Region (ANSA-SAR) and Global are currently coordinated by a unit in the Institute of Governance Studies at BRAC University in Dhaka.

The primary objective of ANSA-SAR and ANSA Global is to enhance and scale up social accountability and governance initiatives by providing project grants to civil society organizations, giving academic fellowships to young scholars and building capacities and competencies within both state and civil society institutions. At the end of 2012, ANSA-SAR was supporting 22 CSOs in the region through small to medium-sized grants complemented by training in social accountability tools and techniques. These covered environmental governance (1), procurement (4), and basic rights and services (17). In addition, it is involved in the generation knowledge on successful social accountability tools and practices and their diffusion through their networks through discussion and strategy notes. Given the dynamic and evolving nature of social accountability practices, there is a constant need to keep up-to-date. ANSA-SAR is also attempting to build greater awareness among parliamentarians through workshops and peer exchanges. Aside from this, ANSA-SAR works extensively with the executive agencies of government, especially those dealing with oversight and regulation.

ANSA-SAR has partnered organizations from seven countries—Argentina, Bangladesh, Egypt, India, Kyrgyz Republic, Indonesia and Sri Lanka—in its initial round of activities. Its strategy is to connect an active but highly dispersed community of practitioners and enabling practices and facilitate cross learning and exchanges. For the global component, the seed funds will be used to stimulate discourses and start-up activities in regions where social accountability practices are in its infancy. The main focus is on four areas: climate change, adaptation and mitigation; right to information; procurement; and citizen watchdogs (third-party monitoring).