

NGO Corruption Fighters' Resource Book –

**How NGOs can use monitoring and
advocacy to fight corruption**

Richard Holloway

CONTENTS

Chapter 1

Introduction – Rationale for this Resource Book

Corruption harms democracy	7
The rise of the anti-corruption movement	9
Enter the NGOs - with strengths, but also limitations	10
Activists and Impact	11
	12

Chapter 2

Monitoring, Advocacy and NGOs in general

NGOs - what they are and what they do	14
Three Sectors of the state	14
<i>Figure 1: Three Sectors to the State</i>	16
Specific characteristics of NGOs	17
Characteristics of NGOs that fight corruption	20
The Limitations of NGOs as a tool to fight corruption	20
Possible Corruption in NGOs themselves	22

Monitoring – what it is and what it does

Introduction	24
NGO Monitoring	24
The Targets of Monitoring	25
Key Activities in Monitoring	26
Testing the Rhetoric and Finding where the Real Problem is	29
Monitoring Investigates the Functioning of Systems	30
Monitoring Checks Compliance with International Standards	31
Monitoring is a Tool that Needs Access to Information	32
Stakeholders	33
Monitoring is a Tool that is Valuable in Itself, but is made more	34
Effective when joined with Public Information and Advocacy.	37

Advocacy – what it is and what it does

Introduction	38
NGO Advocacy	38
The Issue for an Advocacy Campaign	39
Key approaches in Advocacy	39
Advocacy requires Appropriate Targets	41
Advocacy requires Coalitions	42
Learning to use the Political Environment	43
Most Good Advocacy involves the Media	44
Gathering and Disseminating Relevant Information	45
Organised Actions	54
Advocacy needs Competent NGOs and is built on Good Monitoring	46

<i>Annex 2/1: Schematic of Civil Society Organisations and the State</i>	48
--	----

<u>Chapter 3:</u>	
<u>A Closer Look at Corruption</u>	49
Administrative or Petty Corruption	49
Grand Corruption	52
State Capture	54
Links between Government and Business	57
Assessing Corruption	59
Surveys	60
National Corruption Surveys	60
Governance Assessments 1	60
Governance Assessments 2	61
Check lists	62
Journalistic Pieces	68
Citizens Report Cards	68
 <u>Chapter 4</u>	
<u>Kinds of Anti-corruption activities</u>	70
The “Criminal Control” Approach	70
The “Small Government” Approach	71
Incentive Based Approaches	73
The “Political Economy” Approach	74
“Integrity Based” Approaches	74
The Need for a Variety of Strategies	76
The Anti-Corruption Players	77
The Role of Government	77
The Role of the Private Sector	80
The Role of the International and Inter-governmental Organisations	81
The Role of Civil Society	83
Political Will	85
Physical Danger	86
 <u>Chapter 5:</u>	
<u>How Ready is the NGO to Implement Anti-corruption Programs?</u>	89
Clarifying the Identity of the NGO	89
The Basis of the NGO’s Mandate	91
How the NGO is Perceived	92
Clarifying who is on the side of the NGO	92
How the NGO is placed if things get dirty	94
How the NGO handles personal risks	95
Self-Assessment	96
Brutal Honesty	99
Setting Objectives (Agraria scenario)	100
Stakeholder Analysis	102
Problem Identification	102
Problem Tree	103
Objectives Tree	104
Analysis of Alternative Strategies	105
Making a Logframe	106
Hierarchy of Objectives	107
Assumptions/Risks	109
Indicators of Success/Mean of verification	111

<i>Figure 2: Log frame for Agraria</i>	113
Workplanning	114
<i>Figure 3: Workplan for Agraria</i>	116
Summing Up	114
Annex 5/1: Legitimacy Check list	117
Annex 5/2 Characteristics of NGOs at different stages	118
Annex 5/3 How to use the OCAT for NGOs	128
Annex 5/4 General Organisational Capacity Assessment Tool (OCAT)	134
<u>Chapter 6:</u>	
<u>How Best to Fight Corruption through Monitoring</u>	139
Assessing whether Monitoring is the Appropriate Tool	139
What and How to Monitor	139
Collaborative or Independent Monitoring	143
Collaborative monitoring	143
<i>Figure 4: Advantages and Disadvantages of Monitoring in collaboration with the Subject</i>	145
Independent monitoring	145
<i>Figure 5: Advantages And Disadvantages of Monitoring Independently</i>	145
Partnering with Others	146
Access to Information	146
Key Elements in Setting up a Monitoring Activity	148
<i>Figure 6: Checklist for Time required in different parts of Monitoring</i>	150
Data Collection	151
Primary data collection techniques	152
<i>Figure 7: Advantages and Disadvantages of different data collection techniques</i>	154
Secondary Data Collection Techniques	155
Credibility	155
Information Bias	157
Ethical Considerations	157
Data Management	158
Information Classification	158
Data Analysis	159
Publication	161
Risks in Monitoring	161
Agraria Scenario: Achieving the Monitoring Objectives in Agraria	163
<i>Figure 8: Possible Monitoring Activities in support of the Agraria program</i>	163
Annex 6/1: Freedom of Information Laws	166
Annex 6/2: How to Handle Documents	168
<u>Chapter 7:</u>	
<u>How Best to Fight Corruption through NGO Advocacy</u>	170
Getting Ready for Advocacy	170
Advocacy for Laws, Policies, Practices, and Behaviour	171
Criteria for an Advocacy Campaign	172
Identifying the Target	175
Primary and Secondary Targets	176
Building alliances, coalitions and networks	177

Laws, Policies, and Key Stakeholders in developing them	179
<i>Figure 9: Stakeholders in the Policy Process</i>	181
Tools for Analyzing Policies and Stakeholders	181
<i>Figure 10: Policy System Overview Map</i>	182
<i>Figure 11: Policy System Close Up Map</i>	183
Organised Action	184
Formulating Messages and Using the Media	185
Skills Needed for Advocacy Work	186
Elements of an Advocacy Strategy	188
Other Kinds of Advocacy	188
Agraria Scenario: Constructing an Advocacy Program for Agraria	190
 <i>Annex 7/1: 10 Elements of an Advocacy Strategy and their linked Questions</i>	198
<i>Annex 7/2: 198 Non-Violent Ways to Bring about Change</i>	200
<i>Annex 7/3: Three worksheets for Advocacy Campaign Planning</i>	206
 <u>Chapter 8:</u>	
<u>Sources and Resources</u>	211
Anti-Corruption	211
NGOs	219
Monitor	227
Advocacy	228
 <u>Chapter 9:</u>	
<u>Case Studies</u>	231
1. <u>PSAM (Public Service Accountability Monitor), South Africa</u> The Case Monitoring Project—monitoring, documenting, and investigating cases of misconduct, corruption and mal-administration in the government of the Eastern Cape Province	232
2. <u>TI (Transparency International) Slovakia</u> Monitoring the Privatization of Slovak Telecom	237
3. <u>Open Society Georgia Foundation in Georgia</u> Civil Monitoring of the Presidential Decree #95	242
4. <u>Global Witness, UK and Cameroon</u> Independent Observer in Support of Forest Law Enforcement in Cameroon	248
5. <u>Center for the Implementation of Public Policies Promoting Equality and Growth (CIPPEC), Argentina</u> Argentina 's Budget Watchdog: "Lupa Fiscal"	253
6. <u>Poder Ciudadano, Argentina</u> The Program for Transparent Contracting	257
7. <u>Mazdoor Kisan Shakti Sangathan (MKSS), Rajasthan, India</u> Jansuvasi Public Hearings and Right to Information Campaign	262
8. <u>Uganda Debt Network (UDN), Uganda</u> Monitoring of Poverty Action Fund (PAF)	266
9. <u>People's Movement "Resistance," (OTPOR!) Serbia</u> Customs Monitoring	271

Chapter 1

Introduction – Rationale for this Resource Book

Corruption is a very big problem in many nations of the world – some would assert that it is becoming more extensive, and more areas of development activity are being affected. Corruption is also becoming, de facto, an attack on governance as more and more of the rules under which nations are governed are breached with impunity. Citizen engagement is very important in fighting corruption, and there are particular advantages in getting NGOs more involved in the fight. NGOs have limitations, but also great potential strengths, and these can be better realized through better project management.

Activists picking up this book are likely to be doing so in recognition that corruption is a serious problem in their country, and because they would like to get involved in measures to fight it. Indeed, the past decade has seen the beginning of much anti-corruption activism and a spectacular rise in citizen's awareness of the problem. Such activism and awareness has also brought to the fore, however, the difficulties inherent in combating corruption. While progress has been made on some fronts, corruption continues to inflict severe damage on societies throughout the world.

For some time, the larger reforms of market forces and democracy around the world raised hope that they could, in themselves, bring about a reduction in corruption, and a halt to its damaging effects on ordinary people's lives. People have now become more sceptical. As the Institute of Development Studies in Sussex, UK has noted:

The spread of neo-liberal economics and liberal-democratic politics has brought to the fore certain basic assumptions and theses about the causes and cure of corruption. On the economic side, corruption has been one of the consequences of excessive state intervention and the bureaucratic rents created thereby; on the political side it has been seen as a consequence of the unaccountable monopoly power of various kinds of authoritarian or totalitarian regimes. The policy implications of these analyses are that corruption can be reduced by rolling back the state through privatisation and deregulation and by introducing more competition, transparency, and accountability into the political process through a transition to a liberal democratic regime. These broad arguments seem plausible in broad theoretical terms, but how accurate are they in reality?¹

Unfortunately, there are many indications that corruption continues to be not only a serious problem, but also an increasing one. All over the world, including those places where neo-liberal economics and liberal-democratic politics have been institutionalised, there has grown up a "new corruption" that has become a part of these new institutions and is carried out by greedy and rapacious elites.

In the words of USAID's Handbook for Fighting Corruption²:

In the private sector, corruption increases the cost of business through the price of illicit payments themselves, the management cost of negotiating with officials, and the risk of breached agreements or detection. (....) Where corruption inflates the cost of

¹ (Our emphasis) IDS Bulletin "Liberalization and the New Corruption" Volume 27, number 2, April 1996: Editorial Introduction by Barbara Harriss-White and Gordon White.

² USAID: Handbook for Fighting Corruption, Centre for Governance and Democracy, 1998, Washington DC

business, it also distorts the playing field, shielding firms with connections from competition and thereby sustaining inefficient firms.

Corruption also generates economic distortions in the public sector by diverting public investment away from education and into capital projects where bribes and kickbacks are more plentiful. Officials may increase the technical complexity of public sector projects to conceal such dealings, thus further distorting investment. Corruption also lowers compliance with construction, environmental and other regulations; reduces the quality of government services and infrastructure, and increases budgetary pressure on government.

Corruption means that money that would otherwise have been available for spending on the public good by government is siphoned off into the pockets of individuals, and money that would otherwise have been available for productive investment is diverted and skewed into schemes that provide the most illicit income for corrupt people. A World Bank Forum has said³:

We started from the proposition that the money that flows through government budgets is one of the most powerful tools for poverty reduction, whether this is in the form of domestic funds, donor financing or debt relief for heavily indebted poor countries. Everyone has an interest in how it is used, and most especially the poor. Yet we know that public money frequently fails to reach the intended targets, and one of the most important reasons for this is corruption. The resources involved are massive – from around 20% of GDP in some countries to up to 40% in others, and the corruption involved can also be on a massive scale.

Moreover, corruption particularly harms the poor. When the reality is that the poor can only get access to nominally free government services by paying a bribe, and when it is abundantly clear that the poor cannot afford to pay that bribe (or can only do so by going without other essentials, like food), then we can say that corruption affects the poor selectively. If a poor parent can just afford to pay school fees, but is told by a corrupt teacher that they have to pay a special new levy over and above that, then the child does not go to school, or the parent goes into debt, or eats less, in order to pay the illegal levy. The adjacent box, on India, illustrates this.

When corrupt government officials sell medical supplies on the black market, then these supplies do not reach the clinics. Other richer people can avail themselves of private alternatives by paying more, but the poor cannot. If the government provides a bridge on the road to their village, but it falls down because the contractor cheated on the cement and paid off the safety inspector, the poor suffer disproportionately. When corrupt officials steal from a government budget intended for the poor, there is very little the poor can do about it,

TI Survey of India's Petty Corruption

The survey also revealed that the greatest sufferers of petty corruption are not the middle classes, who often have the ability to grease greedy palms (albeit grudgingly), but the urban poor – hawkers, rickshaw-pullers, and small tea-shop owners, small time mechanics, poor migrant labourers, slum dwellers: in one word the city's underbelly, bravely trying to eke out a living in the most heartless and trying circumstances. As for the rural poor, consider this: the government spends \$8.5 billion annually on them but most of it disappears on the way. In the state of Andhra Pradesh, for example, officials were caught recently selling rice meant for drought affected villagers to a state food corporation.

India Corruption Notebook CPI-GA

³ Global Forum "Where does Public Money Go?", World Bank.

because they do not have access to the political process, and, anyhow, know little about what budgets were nominally intended for them.

Corrupt government officials know that the poor rarely fight back, and are likely to be quiescent because they lack resources, information, education, and links to those who have power. They also know that the poor lack support from the legal system or the police. As an example to illustrate this, when *Tempo* magazine in Indonesia exposed the fact that the part of the Jakarta city budget earmarked for emergency assistance to slums had been used to buy sedan cars for city councillors, the poor could do nothing about it. When a fire broke out subsequently in those areas, and there were no funds for re-building, they had to bear it, even when this was fully exposed by *Tempo*. The poor were not organised and did not have enough political power to fight the city council, and the city council knew this.

Corruption harms Democracy

Democracy is characterized by a system in which competing political parties are freely elected by the citizenry to carry out programs, policies and plans that they have announced in advance: democracy is also considered to exist when the institutions of government are set up within a system of law and practice that is answerable to a constitution that has been freely agreed upon by elected representatives of the people.

Corruption erodes each of these aspects of democracy. With corruption, political parties are financed by interests to whom they are then beholden, whatever their promises to the people. Political parties in turn often try to bribe the electorate to give them their votes, or intimidate them by promising them government goods and services if elected, or that they will be shut out of government services if they back the wrong party⁴. In some cases political parties (particularly parties that are in power) are able to skew the electoral process itself by buying off those who manage it.

Corrupt politicians, once in power, systematically weaken those democratic systems that give the citizenry some power over them. They increasingly control the executive, the legislature, and the judiciary by buying them off, or by neutralizing them through the use of financial power that has accrued to them from corruptly generated income.

A corruptly managed country soon finds that many democratic norms to do with accountability, transparency and integrity block opportunities for personal gain or the increase in personal wealth, and so these norms are systematically weakened, if not destroyed. Laws, rules and regulations are either not applied or applied selectively, announced policies and programs are distorted, or most commonly those who are caught out and arrested for corrupt practices are never taken to trial, never prosecuted, or prosecuted and then released once the fuss has died down. In particular freedom of speech, freedom of information, and freedom of association – three rights that might be used to enforce democracy and limit corruption possibilities – are eroded and perverted to allow corruption to flourish.

⁴ The book “The Road to Democracy” published by the NGO YAPPIKA in Indonesia shows photographs of villages with signs displayed showing their loyalty to the GOLKAR governing party during Suharto’s New Order regime. These signs, as the book explains, were put up to deflect government officials who might be inclined to stop development benefits to their village.

Corruption will destroy peoples' acceptance of the authority of governing institutions if they know that all such institutions can be bought. Corruption will eliminate respect for the representatives of governing institutions and the acceptance of their right to govern the more those representatives are shown to be on the take. It makes a mockery of elections, political parties, parliament, the executive and the law courts when it is widely known that the principal interest of the holders of public office is self-enrichment.

As a result many citizens think that they can and should behave in a similar manner to their leaders, seeing that anything can be bought, and feeling that they should try to become the buyers, not the bought. It also results in citizens opting out of the governing institutions – refusing to vote, using vigilante justice rather than using the courts, not standing for office, avoiding paying taxes, and seeking to avoid supporting invalid and abusive institutions.

The Rise of the Anti-Corruption Movement

For a long time corruption was not discussed officially and openly by analysts of the social, political and economic situation in a country - although it was discussed extensively by those who were practicing it, and by the citizens who suffered from it. This changed in the 1990s with three important events:

1. The international NGO, Transparency International, was created and became the lightning rod through which dissatisfaction with corruption (and dissatisfaction with official responses to corruption) was channelled.
2. James Wolfensohn was appointed as the new Executive Director of the World Bank. Mr. Wolfensohn told the Bank's officials, and the officials of all the countries where the Bank did business, that corruption was an issue, was something that the Bank abhorred, and was something on which it would be acting.
3. There was the collapse all over the world of one-party states and command economies together with their transition to democracy and neo-liberal economies. Many people thought that these transitions would, by themselves, be a solution to corrupt practices. They were not, but they did enable the forces of the market, and the voices of the people, to become more operational than they had been previously.

Once the veil was lifted, and the subject of corruption became an accepted cause for concern, it tended to be spoken about as a failure of administrative systems that could be corrected by improvements in such systems. It is only relatively recently that the implications of corruption beyond the failure of administrative systems have come to be recognized. For example, it is not that civil servants practice corruption because they are underpaid, but that they are underpaid because the government pay structure is based on systemic corruption and theft – and thus governments think they can pay their employees less. The perpetrators of such systems practice them with impunity and make sure that all attempts to limit their theft are blocked.

The analysis moves from perverse administrative systems into questions of governance –

- Who is in charge?
- How do they make decisions?
- To whom are they accountable?
- How can they be stopped?

Enter the NGOs - with strengths, but also limitations

In addition to a growing number of international organizations and donor agencies, these questions are being taken up by an increasing number of socially aware and active citizens' groups. They know the limited resources of their countries, and they know that these resources are badly needed for improving the dismal situation of the majority of their people.

They recognize that combating corruption requires committed and activist citizens who need to be:

- vigilant to identify where and how corruption is actually taking place,
- imaginative in thinking how the power of the law supported by citizens' pressure groups can capture and ring fence those areas,
- determined to find ways to expand such ring fences so that they cover more and more territory.

They have, in many cases, decided to form anti-corruption NGOs, or to expand the work of existing NGOs into anti-corruption fields. Many of them are Chapters of Transparency International.

What NGOs formed from active citizens bring to the subject of fighting corruption is a broad knowledge of how the state works in practice, awareness of the problems of the population (particularly the poor), and skills in activism. For NGOs, corruption is not simply the re-organising of government so that it works more efficiently and increases the likelihood of attracting greater investment – they see corruption as a social cancer that impoverishes and disempowers the poor, increases social and economic polarity, destroys the social fabric, damages democracy, and institutionalises inequities and malpractice so that any chance of escaping from such systems and structures becomes decreasingly possible. NGOs bring an emotional commitment to the subject of corruption.

NGOs have in-depth knowledge of the issues and challenges of the sectors in which they work, and in particular the sectors and processes that are susceptible to corruption. For example, NGOs in the field of education will have, for years, witnessed the siphoning of government education funds into private pockets, or the extortion of poor people's incomes for illegal building levies. They will have had practical experience of how corruption works. Similarly health NGOs will be very aware of the malfeasance that results in the diversion of drugs from the Ministries of Health that should go to rural clinics, but which instead go into private hands only to be subsequently sold on the black market, or sold through private doctors' clinics. NGOs concerned with natural resources are probably better informed than most about the frightening illegal levels of logging in national parks, and the ways that this is achieved by bribing both forest guards and high-level district and national government officials to look the other way. In the past they often avoided such issues as being "political", and

not their business. Now, however, they recognize the issue as corruption, and feel it is their business.

NGOs also specialize in certain skills that can be useful in fighting corruption. For many years, for instance, Human Rights and Environment NGOs have monitored compliance with international standards, and have developed methodologies to document and provide incontrovertible data to demonstrate that norms are being violated and abuse is taking place. They have furthermore learnt how to use this evidence to bring pressure to bear on governments to do something about it, to bring about a change in policy and practice, and to bring perpetrators of abuse to justice.

Many NGOs are also experienced in mass mobilisation to build in people awareness of unjust policies, to show governments or businesses the strength of their numbers, and to put pressure on government and business to implement reforms. All of these skills can be harnessed to work in the field of anti-corruption. A good example is MKSS Rajasthan, India whose story is told in the Case Studies of Chapter 9⁵. The MKSS has systematically exposed deliberately falsified employment rosters for casual labour and created a ground swell of popular support for transparency and accountability in public works projects.

NGOs are seen by the citizens of many countries as honest, as reputable and (by implication) as organisations that may be able to do something about corruption. This is valuable social capital when NGOs enter the anti-corruption arena. It means that citizens are prepared to listen to NGOs when they call for action, and are prepared to believe them when they expose scandals. As numerous Corruption Surveys carried out under the aegis of the World Bank have shown, NGOs (along with religious institutions) have credibility that is absent from governments, businesses, and often the media.⁶

Such social capital is not always utilized to maximum effect, however, because NGOs have other kinds of shortcomings: in many cases they are new to the anti-corruption world and suffer from a lack of familiarity with the issues involved in fighting corruption; sometimes they have not worked to develop a constituency, which thus limits their ability to leverage their social capital; and too frequently they have a predilection for action without ascertaining whether such actions lead to desired results.

Activists and Impact

Fortunately, there are now many resources available for anti-corruption activists, including numerous organisational and business development tools of easy access. These can help NGOs to think through whether their planned actions are likely to contribute to their desired goals or not. In particular the use of such tools as “results based management”, “strategic planning”, “logical framework analysis”, and “the project cycle” confronts activists with the need to think through the likely results of their actions, and link those actions to the longer-term goal in which they are interested.

⁵ Case Study 7 in Chapter 9: “Jansuvai Public Hearings and the Right to Information Campaign”

⁶ There are places where this is not the reputation of NGOs – particularly in post conflict situations where aid money is very abundant and poorly supervised. President Karzai of Afghanistan has complained publicly in 2005 about corruption in NGOs – and he is mostly referring to foreign NGOs.

It is important to note, however, that the work of anti-corruption activists to raise awareness about corruption has not necessarily resulted in a decrease in corruption, and may have resulted, instead, in greater frustration. Martin Tisne and Daniel Smilov's book "From the Ground Up – assessing the record of anti-corruption assistance in South-eastern Europe" that deals with NGO anti corruption programs in the Balkans, has valuably said:

In the absence of tangible (in the eyes of the public) results in the fight against corruption, corruption becomes more visible and has a higher profile, while public frustration risks growing, with nefarious political consequences. (...) There is a risk that the volatile political climate – created in part by those programs, where mutual accusations of corruption fly freely in the media – risk provoking a return to political instability as opportunist parties take advantage of the anti-corruption rhetoric to suit their particular political agendas (...) or increasing voter apathy and disillusionment.

While of course it is true that NGOs do not start anti-corruption projects in order to produce greater political instability, they may be guilty of not thinking through the likely results of their actions, or of not designing their actions with specific and clear long-term results in mind.

This Resource Book is intended to clarify and supply ammunition for dedicated NGOs in their fight against corruption by providing:

- An **Overview** of the issues with which they need to be familiar in order to wage the battle that they have in mind
- Information about two key tools that have produced significant impact in NGO work over the past several decades - **Monitoring** and **Advocacy**. These are framed, together with **Project Management Tools**, into a set of guidelines for the anti-corruption fight.
- **References** for additional useful information and organisations that can help them.

Chapter 2

Monitoring, Advocacy and NGOs

This Chapter looks generally at Monitoring, Advocacy and the NGO. It looks at what NGOs are and what they do (and, by implication, what they are not and what they do not do). It clarifies the nature of Monitoring and Advocacy, the particular strengths these two strategies can bring to anti-corruption work and looks at ways that they can complement each other. Chapters 5, 6, and 7 look at the same three subjects, but take a “how-to” approach, suggesting how they could optimize their work in (respectively) NGO Management, Monitoring and Advocacy.

NGOs – what they are and what they do

For many years the term “NGO”, usually in its shortened acronym, rather than the full “non-government organisation”, was the only term used to describe those organisations outside the government and business worlds, which were involved in development. It was often used to mean only international relief and development organisations. In many places, however, people were unhappy with the idea that such positive organisations defined themselves negatively – by what they were not (“not a government organisation”) rather than by what they were (“pro-poor independent voluntary development organisations”).

In the nineties with the collapse of the Soviet Union new thinking was coming out of the organisations like Solidarnosc in Poland and Eko-Forum in Bulgaria that rejected the inclusive single party political structure of the Soviet Union and that defined themselves as being organisations separate from the State. They called themselves “civil society organisations” or CSOs⁷. They were a product of the citizens, of “civil society”, and distinguished themselves by having a different perspective to the government.

A period of confusion ensued, as the terms NGOs and CSOs were used interchangeably – and this has carried on to the present. Many other terms were also used that added to the confusion: these reflected the particular thinking or particular usage of different countries. Such terms are “Charities”, “Private Voluntary Organisations”, “Voluntary Organisations”, “People’s Organisations”, “Non-state Actors” and many others. Basically they were all describing the growing number of organisations that are neither from government nor from business, and that are engaged in relief and development, and other public interest issues.”⁸

“NGO” has, however, remained in common use, although it has been more clearly defined. There is now general consensus that NGOs are, strictly, a sub-set of Civil Society Organisations and the term describes those formal non-profit⁹ and non-government organisations that have a developmental or good governance purpose

⁷ The terms “civil society organisation” and “civil society” in the sense that they are used today were first seen in “Agenda 21” which was a product of the Earth Summit in Rio de Janeiro, 1992.

⁸ CIVICUS defines civil society as “the arena, outside of the family, the state, and the market where people associate to advance their common interests”. (CIVICUS 2002). For more on this see the CIVICUS website, particularly “Assessing and Strengthening Civil Society Worldwide”.

⁹ American usage is “not-for-profit”

and that seek funds from one set of actors (usually different from the organisation itself) to apply to the problems of another set of actors (again different from the organisation itself). NGOs are usually defined as organisations that work in the public interest, as defined by the NGO itself. The most up to date definition comes from the Cardoso Report of the UN on the relations between the UN and Civil Society.¹⁰

Many organisations that call themselves NGOs, or are called NGOs by others, have not thought through who they are. They may be embryo political parties, contractors to aid agencies, university think tanks, or people's movements – and may inhabit many other places on this spectrum. Depending on who they are, they may be more or less research oriented, more or less service oriented, or more or less politically oriented. When they are working in the highly sensitive and polarized world of fighting corruption, they need to be clear who they are and what their incentives to action are. An NGO willing to expose corrupt politicians is essentially different from an NGO supplying condoms and safe sex education, or fertilizer, or drinking water. It is useful to follow through the evolution of NGOs that are now working on anti-corruption issues. In many cases they have evolved from NGOs working on elections and democracy issues and who have now become concerned with good governance. They can and should be independent of government, but in some cases they have worked out a collaborative relationship with governments.

Three Sectors in the State

In order to understand the term "civil society" we need to start from a perspective that looks at the State as consisting of three parts - the Government, the Market, and the Citizenry. There have been very many different ways of expressing this - perhaps the most famous being Marc Nerfin's symbolism of the Prince, the Merchant and the Citizen¹¹. However we picture the three sections, we still need to clarify what each of them mean and how they differ from each other. If we do this we will be able to identify what is special about the citizen sector (which is synonymous with "civil society"), and then identify what is special about NGOs - which are just one part of civil society, and finally what is special about NGOs that are fighting corruption.

The first sector¹² of the State is the Government Sector (also called the Public Sector): the purpose of this sector is to rule and to govern, and it uses the resources of state property, laws and taxes to enable it to do so. The government also controls the use of force. The Public Sector mobilizes its resources through the power of the law, by coercion and threat, and by command. If, for example, you do not pay your taxes, you are liable to go to prison and the government has the power to make that happen.

The second part of the State is the Business Sector (also called the private sector, the market, or the private non-profit sector): the purpose of this sector is to make profits from returns on invested capital through manufacture, trade and exchange, and they mobilize their resources through the control of private property. A business sees the

¹⁰ see www.un.org/cardoso

¹¹ Marc Nerfin's book "The Prince, the Merchant and the Citizen" (1984) suggested this symbolism, for the three sectors.

¹² "First" is seen by some as a controversial term, as, for some, it suggests greater importance. Early analysts called civil society "the Third Sector" and thus by inference, government became the first sector, and business (or the market) became the second sector.

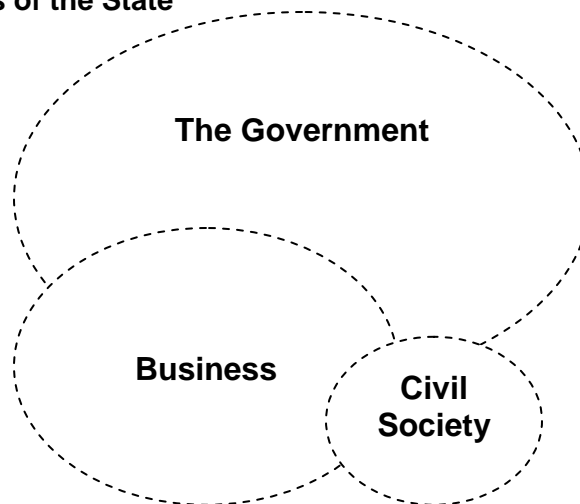
possibilities for income from providing a good or service that people want, and mobilizes the resources, often from banks, that enable this to happen.

The third part of the State is the Citizens Sector (also called the Third Sector, the Voluntary Sector, or Civil Society). For some people it is just the residual sector left behind after you have deducted the power of the government and the market, but for others the sector has strong positive purposes of its own. The purposes of the Third Sector or Civil Society are:

- to hold the Government Sector and the Business Sector accountable to the citizens
- to enable citizens to associate to advance their common interests
- to improve the lives of the citizens

The resources of this sector are the citizens' own time, own energy and own personal resources, or the time, energy and resources that they can persuade other people to gift to them. The way that they mobilize these resources is through having shared values with other citizens, and through having a shared commitment to action with other citizens – a commitment, which springs from those, shared values.¹³

Figure 1: Three Sectors of the State



This diagram is valuable, but has been shown over time to be over simplistic: in terms of relative size we have multinational businesses now that control more resources than entire governments, but that are not necessarily situated in any one country: we also have interesting research from the Johns Hopkins University Centre for Civil Society¹⁴ that show the huge amount of resources that civil society organisations control when voluntary labour is measured at a market rate. In terms of function we have countries like Somalia that do not have governments at all: and a few residual countries, like North Korea, which do not have a civil society sector at all – everything being controlled by the party which is synonymous with the government. We also have countries, particularly in the aftermath of conflict where foreign NGOs have budgets greater than the state.

¹³ Please see Annex 2/2: "CIVICUS Civil Society Definition" for a variation on this which includes the family.

¹⁴ www.jhu.edu/~ccss

In general, however, this diagram is useful because it illustrates:

- The three sectors are of different sizes
- Civil Society is often the smallest in terms of the resources it controls
- The boundaries are fuzzy
- The boundaries between all three sectors overlap

For a schematic of all these sectors, and the CSOs within Civil Society, please see Annex 2/1: “A Schematic of Civil Society Organisations within the State”.

We must also be aware of pretender organisations that claim social value, but which in reality are organisations formed for personal income, or formed to represent the interests of business or the government or political parties. Because there are increasing numbers of such organisations, and because they are sometimes very clever at disguising themselves, and because civil society NGOs will often be accused of being this kind of organisation, it is important for NGOs to be aware of them. Alan Fowler’s book “Striking a Balance” provides a witty and exhaustive of such “pretenders”, like GONGOs, (Government owned NGOs), MANGOs (Mafia owned NGOs), and MONGOs (My own NGO).

As we can see from Annex 2/1, there are a tremendous variety of civil society organisations, from those that are very formal (e.g. The Red Cross/Red Crescent Organisations) through to those that are very local and very specific to a particular country or group (e.g. burial societies amongst Amharas in Ethiopia, savings and credit associations amongst the Javanese of Indonesia and many West African societies, and age cohorts amongst the Masai in Kenya and Tanzania, and the Nuer in South Sudan). In each case they may be formal to their own members, though not formally established in law. The range is immense: many thousands have come into existence since the collapse of the Soviet Union, and the fall of one-party states: The magazine “Foreign Affairs” in 1996 talked of the “explosion” of civil society organisations. Some may be more inclined to take an interest in anti-corruption issues than others.

Specific Characteristics of NGOs

NGOs, positioned inside Public Benefit Organizations, have singular governance and programmatic characteristics, and singular constraints that we need to examine. NGOs, which work to fight corruption, are very likely to be attacked on these issues and many people who work for NGOs have not thought these through.

Governance

- NGOs are not for profit; therefore they cannot distribute any surplus they generate as profit to owners or staff. Staff salaries are, however, part of running costs, not surpluses¹⁵.
- NGOs result from a group of citizens’ self-chosen and voluntary initiative to pursue a shared interest or concern – they are not a statutory body, and owe no allegiance to the State¹⁶

¹⁵ This is a vexed issue. Some detractors of NGOs say that personal income from the organisation negates the idea of being “not-for-profit”. They claim, erroneously, that all workers for NGOs should work voluntarily to be true to this characteristic.

- They govern themselves within whatever legislation they choose to register themselves¹⁷
- They are formally instituted and accept that they are accountable to the aims and objectives of their originating documents and governing structures.

Many organisations can be set up to meet these characteristics – this says nothing about what such an organisation actually does. A football fan club, a university, or a paramilitary group could all come under these characteristics. Our definition of an NGO is not complete before we agree on their programmatic activities and values:

Programs

- They exist because certain citizens have identified poverty and injustice as being illegitimate activities that need to be combated. These beliefs are often underpinned by national constitutions or by international conventions and agreements. They may also be underpinned by religious or ideological beliefs.
- They act as intermediary organizations between those who support their work and those they directly target, and have the fiduciary responsibility to their donors to spend the funds that they attract on the programs that they have proclaimed.
- They can work in different ways - through directly providing services to their target group, or through acting variously as a network, a federation of other NGOs, a research organization, or an advocate on behalf of the target group they have identified.

In countries emerging from two or three generations of communism or a one-party state, the genus "NGO" as an independent expression of citizens' interests did not exist - all such ideas of citizens organisations were subsumed within the state or the ruling party e.g. Russia's "Konsomol" and Malawi's "Young Pioneers". Not surprisingly, therefore, there has been no clear model for them of what an indigenous citizens' organisation might look like, and how it might be managed.

Into this vacuum has come the western donors' model of an NGO. In some cases this has suggested an independent voluntary organisation with its own mission: but in many cases this has resulted in an aid dependent donor contractor without any local accountability. This is what the aid machine was (and is) prepared to fund, and it is based on the kinds of independent citizens organisations with which western donors are familiar back in their own country¹⁸. Many NGOs have only come into being since donor funds were being offered for civil society. For many donors the promotion and funding of civil society organisations was seen as a way of supporting democracy and democratic values.

It is not surprising that entrepreneurial individuals who had no knowledge of organisational alternatives to this western model of NGOs, accepted that this was how citizens' organisations did business, and put themselves forward as "NGOs" to take on some of that business. If money were being given out to this new creature called

¹⁶ In many countries the State has passed laws to require NGOs to register in some way with the government.

¹⁷ There is no legal persona for NGOs common to all countries. It depends on the legal structure of each country, and there is great variety in practice.

¹⁸ This is a particular kind of globalization: ideas of what NGOs look like in the dominant countries are promoted world wide by donors.

“NGO”, then a smart person would become an NGO. Other models of citizen's organisations, like for instance, indigenous cultural organisations, mass movements, or people's associations, did not fit the globalization model and so languished without attention from donors.

Such indigenous forms of organisation, however, have patterns of indigenous communication, accountability and philanthropy that are very valuable for NGOs. If they are not recognized or valued or taken on board, local NGOs will be the poorer. In Bulgaria, as an example, all modern sector NGOs are aid dependent: all old style organs of the previous communist party are reliant on government funding which is now mostly unavailable. One of the few people's organisations that continue with popular support and its own assets is *chitalishte* (literally: reading room), an adult education association that is present throughout the country, and could, in theory, be a vehicle for all kinds of reformist activities. Examples like this can be found in many countries.

It is true to say that the “NGO” is the model of civil society organisation that has attracted the most attention from foreign donors, and, as a result, has become the dominant model of CSO. There are good and bad NGOs, but the kind that we are promoting in this book have the following characteristics:

- They exist because citizens of the country have a shared belief in the value of certain causes, and have a shared commitment to action in order to reform or improve the problems they have identified. They should not exist simply because donors are prepared to give them funds to do something on the donors' agenda.
- They have the support of citizens in the country who are prepared to back their work with political, financial or human resources. They should not exist only because they have the support of donors. Part of their work is likely to consist in educating citizens about a particular cause so that they can build up the support of the citizens
- They are prepared to take funding from different sources against a clear statement of what they intend such funding to be used for and a commitment to that. They should not use funding offered for one program on another without getting the donors consent – and this donor could be a local citizen or form just as much as a foreign aid organisation.
- They are prepared to be evaluated as to whether their work has had the results intended, and to be held accountable for those results. They are not simply in existence to carry out activities without ascertaining their impact.
- They are prepared to work within the laws of their country. They are not prepared to use violence in support of their missions, and indeed reject its use.

The reader, from an existing or intended NGO, who intends to be part of the fight against corruption, needs to check their organisation against these characteristics and see how their organisation can be distinguished from, for example, guerrilla movements, political parties, and the mafia.

Characteristics of NGOs that fight corruption

A sober characterization of NGOs that fight corruption at the start of the twenty first century might be as follows:

- Largely dependent on funding from foreign donor organisations that usually comes in restrictive 2-3 year project packages, and leaves the local organisation open to accusations that is merely a pawn of foreign interests
- Largely driven by young politically active people who have “graduated” to anti-corruption work from political reform work and election monitoring
- Largely inspired by public interest concerns against immoral, unethical and harmful behaviour, rather than simply economic considerations of restrictive practices
- Largely assuming that the citizenry as a whole support their work¹⁹.

Not surprisingly NGOs that fight corruption will operate differently in different countries. In some countries the task is one of cleaning up exceptions to a generally uncorrupted regime and society: in others, NGOs have to operate within environments of endemic, systematic and structural corruption where it is the rule and integrity the exception – and where political leaders are the ones who head the corrupt practices.

The Limitations of NGOs as an Instrument to Fight Corruption

The biggest limitation of NGOs as they enter the arena to fight corruption is their self-perception that they are fighting with the backing of the citizenry as a whole, and that this gives them their legitimacy. The way that many are set up, however, does not reflect this position, since they have not historically pursued strategies to increase citizens’ backing of their work.

The NGO is usually convinced of the rightness of its cause (and may well underpin those convictions with reference to laws and international conventions), but the NGO usually reflects the opinions of a group of self-selected individuals who have a mission that they have constructed. Most NGOs do not start from a populist platform, and do not have large memberships that provide their constituency. To get popular support they have to convince the citizenry of the rightness of their position, and many NGOs do not spend as much time as they might on such work.

This is a general comment that is by no means true overall. In some cases the main anti-corruption activities from civil society have sprung from activist citizens’ organisations that are populist, have a large membership base, and are very effective (see box below about Japan’s Citizen Ombudsmen).

• ¹⁹ This assumption is, however, sometimes naive, and does not pay enough attention to the prevalence of political patronage of citizens, and patterns of corrupt behaviour which are accepted by citizens.

Since most people would argue that an important part of fighting corruption comes from widespread public commitment to reform, anti-corruption NGOs that do not take on the public education role may find themselves spirited pioneers who do not necessarily have wide public backing – and they are leaving themselves vulnerable to government accusations of elitism, or of lacking a popular mandate, if that backing cannot be proved.

The next biggest limitation is that the resources that they will use to fight corruption are largely foreign resources. This has three major results:

Japan's Citizen Ombudsman

Ten years ago, citizen ombudsmen were organised across Japan to monitor the activities of politicians and the administration. Since then these ombudsmen have been asking authorities to release information to the public. It's a movement that started in small towns and cities, and the demand it created for social transparency helped, in 2001, to spawn the Information Disclosure law. Masayoshi Hatanaka, secretary general of a citizens watchdog group called Political Fund Ombudsmen, said, "Information is crucial for our activities of watching politicians and municipal management. I want to increase the number of citizens who do not forgive injustice".

Japan Corruption Notebook CPI-GA

- Local funding of local causes is a way to show that there is strong social approval and support for a cause. If there is no local financial support for local NGOs fighting corruption, and all funds come from foreign donors, an NGO cannot be sure that it has strong social approval.
- Foreign funding generally comes in the form of projects – i.e. time limited, specific budget, output-oriented series of actions. Certain types of anti-corruption activities – like a specific piece of research to monitor a government department's expenditure, or a specific advocacy activity to promote a new bill – fit with project funding, but, as so many commentators have said, fighting corruption is a marathon, not a sprint, and few foreign donors fund marathon runners, or, to put it in donor jargon, fund multi-year open ended programs.
- Anti-corruption programming is a relatively new phenomenon – historically NGOs have been in the business of service delivery (health, education, agriculture, micro-finance etc.) or they have been in the business of reforms in the social development field (human rights, gender, rights of indigenous people, environment etc.) When service delivery NGOs find that corruption is blocking their ability to do good work in their chosen field and that they have to address it head on, or when social development reformists realize that corruption is a separate issue that impinges on their other work, but has a life of its own, there are not very many anti-corruption experts or experienced anti-corruption organisations from which they can learn. Knowledge and experience of what works in fighting corruption is hard to come by.

On the other hand, NGOs are known collectively for their creativity, their reforming energy, and their flexibility. So long as anti-corruption NGOs reflect on their weaknesses as well as their strengths, and seek ways to build their capacities where these are weak, they have the potential to become very effective players in the anti-corruption movement.

Possible Corruption in NGOs themselves

A fundamentally serious issue in considering the contribution that NGOs can make to fighting corruption is the issue of whether they, themselves, are clean. As we have said earlier, public approval and support of NGOs is often given because they are seen as a clean alternative to endemic corruption. If NGOs are seen to be just another kind of compromised organisation, this will be very destructive of the public's support for them.

There are two types of corrupt NGOs: the first are knowingly corrupt and are motivated purely by the chance of extracting extra income from donor organisations that they can con. This kind exists wherever there are NGOs and is not so difficult to identify (they are listed as "Pretender" NGOs in Annex 2/1). Those who lead such NGOs are primarily interested in their personal income. What is important is for the NGOs as a whole (or working through a representative organisation) to police their sector, and make sure that such NGOs are exposed where possible, and the reputation of the rest upheld.

The second kind is more difficult to detect and perhaps more insidious. They are the NGOs that practice corruption – particularly with foreign funding – but from good motives. These motives are to support their organizations in the face of that destructive feature of bilateral funding well-known to all who work with it – namely short-term project funding. Short-term project funding together with the onerous conditions that go with it, does not allow an organization to pay its overheads, train its staff, and generally to develop the organization for the long term. It only enables an organisation to manage a short duration project often suggested by a donor, and be, in fact, a donor contractor.

Such NGOs will often "cook the books" – will cut money from over-budgeted salaries, will over-invoice, will change the use of budget lines, will double fund - in order to keep their organization alive and prosperous. The problems come when such behaviour, undertaken for the best of reasons, becomes common practice. It should not be forgotten that such activities often happen in a country where the NGO is surrounded by a culture of corruption in which extortion and bribery to benefit the individual is not only commonly accepted, but hardly ever punished. It becomes a slippery slope for individual NGO staff people to carry out corrupt practices to benefit their organization, and yet to avoid benefiting themselves. Not enough NGOs are aware of the dangers of "benevolent" corruption, and the difficult moral choices it gives its staff.²⁰

NGOs that intend to work in fighting corruption must take a long and sober look at themselves. If they tolerate any corrupt behaviour then they should not be involved in fighting corruption until they work out their own ethical dilemmas. More pragmatically, they are very likely to be exposed for corrupt behaviour by those who they will be attacking subsequently, and who will be only too delighted to deflect criticism by counter accusations. In countries where corruption is so endemic that no one is likely to be completely clean, enemies of anti-corruption NGOs will be happy to find examples of corrupt behaviour in NGO personnel in order to cause them to lose their credibility.

²⁰ This and the preceding paragraphs are taken from Richard Holloway's presentation on NGOs and Corruption in the 10th IACC (International Anti-Corruption Conference) in Durban 1999.

More practical lessons on optimizing the work of NGOs so that they can fight corruption can be found in Chapter 5.

Monitoring – what it is and what it does

Monitoring is one of the principal tools used by human rights, environmental, and other NGOs in pursuing their reform objectives. It is a tool increasingly used in the fight against corruption. Monitoring diagnoses problems (particularly the difference between rhetoric and reality), assesses actual situations and the actual functioning of systems, and can highlight corrupt practices systematically over time (thus providing a base for advocacy action). It is a tool that is valuable in itself, but is made most effective when joined with public information and advocacy.

Introduction

As monitoring methodologies have been largely developed and systematized by human rights organizations, it is appropriate to begin our discussion with a definition of monitoring published by HURIDOCS²¹:

Monitoring is an activity carried out to find out what is wrong with a certain situation or individual case. The following elements constitute monitoring:

- *It is carried out over a long period of time*
- *It involves collecting or receiving as much data as possible*
- *It means close observation of the situation, usually through constant or periodic examination or investigation or documentation of developments*
- *Standards or norms are used as reference to determine what is wrong with the situation*
- *Tools or instruments are used in the process of monitoring*
- *The product of monitoring is usually a report about the situation*
- *The report embodies an assessment of the situation which provides a basis for further action*

The importance of monitoring in fighting corruption is that the reality in any corrupt situation is frequently obscured and concealed - secrecy and concealment are of the essence. Someone therefore has to work to try and pry open the door, look through the window, and bring the antiseptic light of day to what is intentionally hidden and covered up. That person or organisation can be carrying out monitoring.

In some cases what is hidden is hidden intentionally and steps are taken to try and avoid exposure – but in other cases it may simply be that the long established processes (of bureaucracy, for instance) have made people indifferent or unobservant about what is actually happening – or the scale of what is actually happening. Protection rackets by criminal gangs for which police protection is obtained by pay-offs may seem very small when applied to an individual business, but when the scale of such individual payments is monitored, and when the impact of such payments on police behaviour is analysed, ordinary people may be shocked at the way small “contributions” may be fuelling a large and complex corrupt police system. The Kenyans call corruption “kidogo” (“a little thing”) although everyone knows that it can range from little to very big.

²¹ HURIDOCS (Human Rights Documentation and Information System, International), Volume1: “What is Monitoring?” 2001, Manuel Guzman and Bert Verstappen.

Monitoring is, by definition, a long-term, if not permanent, performance review process. However, shorter-term efforts using the same approach can also be valuable in obtaining a “snapshot” picture of a given situation. A repetition of such observations would be necessary in order to measure progress over time, i.e. to find out whether the indicators captured in the “snap shot” were improving or worsening. A sequence of snapshots will be able to show evidence of changes over time, but methodologically, the snapshots must be comparable.

NGO Monitoring

Monitoring related to government corruption can and should be conducted through government itself in those countries where there is political will to fight corruption and in which there are official monitoring agencies that can be trusted. Thus independent agencies of the government, like a Supreme Audit authority, or an Ombudsman’s office, or a specific Anti-Corruption Commission (or other “watchdog” agency) can be competent monitors of corruption and allies for NGOs in monitoring corrupt practices. At an inter-governmental level, agencies of the European Union and the Council of Europe also carry out monitoring of government corruption on behalf of their multinational constituencies.

But, as in a number of other areas, there are powerful reasons why monitoring by governments and international institutions alone is insufficient. Governments have inherent incentives to distort the results of their monitoring of corruption and anti-corruption activities if such monitoring is going to expose things they want to keep hidden. Apart from the incentives that individual government officials have to keep things hidden, evidence of high levels of corruption is a potential vote loser, and thus not relished by any government that wants to stay in power.

It is also possible that international organisations, particularly bilateral organisations, have strong strategic reasons not to expose the problems of countries that, for other reasons, are their allies. It is not likely to be in the interests of those supporting Palestinian nationhood, for instance, to have the extent of the corruption in the Palestinian state to be exposed. International monitoring efforts, however, are likely to be limited in scope and resources, and have incomplete access to the local level. They are unlikely to research in as much depth as a national or local NGO.

For all the above reasons, anti-corruption monitoring is an important activity for NGOs. It was stated earlier in this chapter that one of the purposes of NGOs was to hold the Government and Business sectors accountable to the citizens. Monitoring is an important part of this watchdog role, and NGOs are likely to be able to have a considerable amount of access to local knowledge, local experience, and local contacts.

From the NGO perspective, monitoring has been defined as:

Monitoring is a broad term, used in many contexts, that describes various stages of collection, verification, and analysis by NGOs of information concerning public interest issues, including civil, political, social and economic rights²²

²² “A New Weave” by Just Associates, Washington, DC, USA

A great number of NGOs in many societies around the globe monitor the work of public and private institutions in their country to protect the public in a number of different areas they consider important – elections, land appropriation, gender representation – and many others. Such monitoring will also vary from merely keeping themselves informed through to a systematic information collection structure. The exact objective of each monitoring effort is likely to be different, but it is important to be clear at the outset. Objectives might be, for instance:

- To monitor the observance by public officials or other entities (e.g. political parties) of their duties under anti-corruption statutes, for example asset declaration provisions.
- To ascertain levels and causes of corruption in a specific institution or area on a systematic basis with the objective of providing useful information that can be helpful for the formulation of policies. This may take the form of identifying areas where NGOs can suggest improvements need to be made, or assisting governments in carrying out their own anti-corruption policies through independent verification that those policies have indeed been implemented.
- Muckraking – to describe and draw public attention to important examples of corruption or related phenomena, in order to generate public pressure for certain policies or against certain practices.

NGO monitoring work will greatly depend upon whether the government has adopted and publicly embraced an anti-corruption program. If they have, then the role of independent civil society organisations vis-à-vis monitoring will be to:

- Monitor that the existing corruption plan is actually being implemented as it was planned
- Point out publicly or specifically to the government the shortcomings in its implementation and their effect on limiting corruption

If, on the other hand, there is no government plan, and little political leadership for limiting corruption, then the primary job of the NGO is to:

- To point out forcefully to the government and the public the damaging effects of corruption and the need for an anti-corruption plan and activities
- To identify principal systems or processes vulnerable to corruption, and to propose actions and reforms that could be taken to reduce opportunities for corruption
- To research and monitor corrupt acts and the effects of corrupt acts and keep bringing these to the public and the government's attention

- To build coalitions for action to limit corruption, based upon and involving future monitoring activities.

Monitoring is, before everything else, a factual and objective process: when this is done by an NGO then that NGO's credibility will depend on the competence and professionalism that it shows in the implementation of its activities, and the quality of the information it gathers and publishes. Where and when the NGO is credible this allows individuals, groups or organizations from various backgrounds in the country to initiate discussions and develop a debate using as a common basis the information gathered by the NGO. When the NGO is not credible, this will soon be revealed, and will render useless the debate the NGO hoped to engender, and the subsequent pressure for change.

We have said that monitoring is a "factual and objective" process: objectivity does not mean an absence of emotional commitment to an issue. The NGO is likely to be motivated by a strong ethical desire to improve an unacceptable situation, and, when it is doing its monitoring work, it should be proactive in seeking the truth, investigating issues, looking for data and exposing facts about corruption. Monitoring, however, should be fair and even - handed, and this means equal treatment for all participants – until they condemn themselves. An NGO setting out to monitor a particular issue should not pre-judge that it is going to find out a particular quantity of corruption – but should have confidence in the methods that it used will reveal the truth. The NGO should not be selective about the information it is trying to uncover and it should expose all information that it finds, whether it highlights corruption or the absence of corruption.

Besides adding to the monitor's credibility, if the monitoring NGO discovers good practice, then there is value in mentioning this as it may encourage less corrupt officials to cooperate with the monitoring project. Monitoring projects and their findings can therefore be a positive effort to reward good practice, as well as an effort that exposes bad practice. The tool of monitoring can be used as both the carrot and the stick to promote change.

The Targets of Monitoring

When an NGO decides to monitor corruption, the target for the monitoring can be a wide range of institutions and individuals, including:

- Governments - Ministries, Ministerial departments, official representatives, staff (from national and central to local levels)
- The Private Sector - private sector associations, private companies, employees and representatives
- Financial institutions – responsible individuals, and employees
- Political parties – individual politicians, and staff of political parties
- Parliament - individual members of parliament and those responsible for Parliament, at both national and local levels
- The Judiciary – judges, lawyers, those employed by the courts

Specific points for observation by the monitoring NGO should then be tailored to each of the groups or individuals who will be monitored. Indonesian Corruption Watch, for instance, in its effort to track corruption in the courts, spent considerable time sitting

outside the courts watching who went in and out of the court buildings, and cultivating friendships with the clerks of court. From this they were able to deduce who introduced who to whom for the purposes of corrupt payments to judges – since they had earlier ascertained that the judges themselves did not take money directly from those intending to bribe them.²³

Corruption may seem a difficult subject to monitor, given that those involved usually spend a great deal of effort attempting to conceal it. It therefore makes sense for NGOs attempting to monitor corruption to be proactive in thinking where corruption is likely to take place, or where there are opportunities for corruption, and monitor them as well. If the target knows that he or she is being monitored, then he or she may attempt to conceal information, and this itself may be something worth monitoring and revealing. Documenting the attempts to conceal information from the NGO monitor may then become an important part of the monitoring project.

Monitoring can be a simple exercise requiring few resources (perhaps one person watching what happens in a key location), as well as a complex venture that can be very costly, involving a large number of researchers trying to get access to information in a large number of places. Choosing which areas are to be the subject for monitoring must be done with care, and there are a number of possibilities about what can be strategically chosen for monitoring with an aim of getting the key information that will reveal the truth about what is happening.

The Philippines Centre for Investigative Journalism, for instance, wanted to document President Estrada's corruption. What they decided to do was to track down the house ownership certificates for the houses that President Estrada had bought for his numerous mistresses as a way of proving that he was spending money way beyond what he had access to as a President of the Philippines²⁴. Global Witness in Cameroon shows another example in Case Study 4 in Chapter 9. In trying to get information about illegal logging it chose to monitor: "exploitation without title, exploitation out of boundaries, exceeding period of exploitation granted, exploitation of unauthorised species, no demarcation of boundaries and no marking of logs"²⁵.

The NGO may also notice a procedure not being followed, for example the full declaration of assets by a senior government official in a country where there is an asset disclosure program. The NGO then needs to look in detail at the steps and timeline of the official procedure as set down by the administration, by the law and by available official documentation. Against this identified set of norms, the NGO may be able to monitor flaws in implementation of this procedure (e.g. swift transfers of assets to family members before disclosure). This can be a relatively simple monitoring action.

Complex monitoring actions can involve a group of individuals carrying out the same monitoring operation at the same time under an umbrella structure that analyses and consolidates results at the national level. This is the story of the monitoring of the

²³ The article on this is called "Removing the Veil of the Judicial Mafia" and can be accessed at <http://www.antikorupsi.org/eng/mod.php?mod=publisher&op=viewcat&cid=13>

²⁴ See Annex 7/1 on the Freedom of Information Laws, which contains material on the work of the PCIJ (Philippines Centre for Investigative Journalism)

²⁵ also available at www.eia-international.org

Ministry of Education Budget in Uganda (see Case Study 8 in Chapter 9) where large numbers of parents active in Poverty Action Monitoring Committees tracked whether funds that were announced as having been sent from the capital, Kampala, to village schools, had in fact arrived at these schools. Village level associations were operating all over the country to ascertain the situation and were reporting to the Ugandan Debt Relief Network that coordinated the effort, and placed the information before the government and the public.

Other complex actions involve national and international groups where external scrutiny and support is required due to the high profile and politically sensitive nature of the subject. The Centre for Public Integrity in the USA, for instance, took on the politically very sensitive task of finding out which US contractors were getting what contracts in Iraq and Afghanistan (see adjacent box).

Who was getting the Iraq and Afghanistan contracts?

It took 20 researchers, writers, and editors at the Centre for Public Integrity six months and 73 Freedom of Information Act requests to begin to discern who was getting the Iraq and Afghanistan contracts, and for how much. Why? What has happened to accessible information and the principle of transparency?

USA Corruption Notebook CPI-GA

A complex of private sector, governments and significant logistical operations and budgets may also be involved. TeleMak from Indonesia, for instance, undertook such a complex task when they tried to track the cutting and illegal selling of protected “ramie” timber by Indonesian companies to Malaysian companies, and on to Chinese final buyers²⁶.

Whatever the size of a monitoring operation, however, it is likely to increase the amount of paper produced about a specific identifiable problem. The management of information becomes a major issue in monitoring. Where there are many sources of such paper in the form of reports, they should all complement and support each other. They all need to be carefully coordinated, and clear control exerted over the amount of information being generated to make sure that it is all useful, and that it does really complement and support the other parts of the work.

Key Activities in Monitoring

In the examples given above monitoring implies going to different locations and documenting what is happening or collecting testimony to determine what has already happened. Taking pictures or video footage, collecting documents, recording locations and identifying processes are all part of this process. There is also the kind of monitoring which is purely office based, such as monitoring the media, checking publicly available financial reports, or records of ownership, checking fund-raising information, and analyzing public records of private companies.

There is also considerable logistical work to be done - preparing questionnaires, managing data in the different forms of documents, videos, photographs, databases of names and events, and maybe data on location coordinates for mapping purposes. Data analysis will have to be undertaken and a report written, published and distributed as frequently and regularly as the project plan requires them. Each key

²⁶ see www.eia-international.org

activity forms part of a chain and if a link is weak or not dependable then the whole project may fail.

All these activities will enable the NGO doing the monitoring (or some other organisation) to put reliable information in front of people with the power to make decisions that can change the situation for the better - if there is the political will to do so. Where there is not the political will, the same information may be used to generate it, by exposing such information to the public, international organisations and others - and showing the shortcomings of the official response.

Corruption often takes place where processes are opaque to public scrutiny and there may be many different kinds of people who are trying to acquire the same information, trying to conceal it, or trying to put some “spin” on it so that it is understood differently. There may be sizeable discrepancies between what is actually happening, statements by government officials about what they say is happening, and information from other organisations or individuals who may have little or no field experience of fighting corruption. This will be compounded by the different stakeholders having different levels of seriousness or commitment about eradicating corruption. To one person a bribe to a policeman may be considered a small thing, and part of the tribulations of everyday life. To another it is a small cog in a large off-budget corrupt financing machine of the police. NGOs have to be very careful to report what is actually happening, and to do this in ways that can be checked to ensure their credibility. They must be ready to defend their findings, and avoid getting caught up in “spin”.

The adjacent box (Civil Ombudsman in Japan) illustrates the need to identify a proxy for corruption that can be measured when direct measurement of corruption is difficult. Japanese prefectures are meant to disclose publicly information about their affairs. The National Ombudsman’s Association is concerned to act as a watchdog on local governments and assemblies. It decided that what it could do was to document which prefectures were disclosing what information and produced annual rankings of their willingness to do so. This acted as a proxy for the integrity of such prefectures, but the National Ombudsman’s Association could easily justify their specific findings. Further investigations into corruption would hopefully follow in the prefectures which were not open to disclosure.

Civil Ombudsman in Japan

Although Japan has no national ombudsman covering the entire public sector, it does have a citizens organisation called the Civil Ombudsman Association, who, since their first appearance, in the 1980s, have played the role of watchdog for local governments and assemblies. (...) In 1994 all the Civil Ombudsman Associations got together to launch a National Ombudsman’s Association, which, as of June 2003, had 79 members around the country. Since 1996 the association has released annual rankings of the nation’s 47 prefectures based on its research on each prefecture’s openness and willingness to disclose information concerning its affairs.

Japan Integrity Assessment CPI-GA

Testing the Rhetoric and Finding where the Real Problem is

Monitoring tests the rhetoric against the reality in a situation of potential corruption by verifying the actual implementation of processes against what people say is happening, and providing the evidence of the lack of action and the consequences of this - if such is indeed the case. The NGO can verify lack of action through carrying out a monitoring activity that can provide stakeholders with hard evidence of where processes do not function. An analysis can then be undertaken to identify if the lack of

action is due to lack of will, to lack of means or institutional shortages or to intentional corruption. The following may be the problems:

- Lack of implementation of stated commitments
- Lack of or biased law enforcement
- Lack of transparency
- Non cooperation of individuals or government departments
- Flaws, contradictions or shortages in legislation
- Lack of appropriate funding mechanisms
- Lack of appropriate staffing
- Lack of technical knowledge or equipment

Institutional shortages are often advanced as excuses for the problems listed above, but this can be special pleading to cover up problems related to obstruction or corruption. A Ministry may say that it does not have the staff to check on corrupt practices as an excuse for the continuation of corrupt practices, but the real situation is a lack of willingness to change and an entrenched attitude of impunity. An example of this is seen in the Case Study of Civil Monitoring of Presidential Decree No. 95 in Georgia (see Chapter 9, Case Study 3). The presidential decree was a strong statement by the President of Georgia against corruption. The coalition of Georgian NGOs which monitored the implementation of the anti-corruption decree concluded, however, that “the Government of Georgia lacked the political will to fully implement the decree and combat the existing widespread corruption. The project was an important contribution to the subsequent political change in Georgia in November 2003”. Clarifying the actual situation made it easier to expose the reality behind the rhetoric.

The identification of lack of action to develop working anti-corruption measures in a reasonable time can well be seen (and published) as an indicator of corruption itself. This can provide a powerful tool to rethink the main excuses put forward by the subject accused of corruption.

We should also accept that, sometimes, the subject agrees on the need for implementing the measures identified as “best practice” but really does lack financial, human or technical resources to implement them. Under those circumstances, monitoring exercises can point out the need for targeted technical assistance programmes, which have a chance of being effective, providing the commitment to reform corruption is there.

Monitoring Investigates the Functioning of Systems

Government policy, ministerial regulations and established procedures are intended to lead to a set of desired outcomes: three examples from the construction sector illustrate this:

- A poverty eradication policy sets the framework to lift the poorest to a higher quality of life through a number of proposed actions, including improvement to their housing.
- Building regulations are intended to lead to good housing development, sewerage disposal systems, and safe roads.

- Procedures for the allocation of construction contracts are there to make sure the government receives value for money and employs companies qualified to undertake the housing work.

Monitoring at the policy level can gauge the effectiveness of policy implementation. In developed as well as developing countries, stated policy aims are simply not met. Monitoring can help to:

- Determine if any actions to support policy implementation are actually being taken
- Determine if actions taken are effective at delivering the policy objectives or not
- Where actions are ineffective, promote the development of more effective actions to implement the policy objectives
- Highlight the need for funding or other resources to tackle the problems

Monitoring at the regulatory level can help establish whether indeed good housing, sewerage and roads have resulted: whether the poor have a higher quality of life, and whether the government gets value for money

- Whether building regulations have been observed
- If they have not, whether illegal activities are being investigated
- Whether identified illegal activities are being prosecuted
- Whether penalties are being enforced, and lastly, whether the penalties imposed are, in fact, a deterrent.

Monitoring at the procedural level can gauge whether the processes to identify the best builders were carried out, and whether the government is getting value for money

- Whether proper tendering procedures were carried out
- Whether contracts were properly awarded on the basis of those tendering procedures

Monitoring is also a tool that is able to highlight systematically over time where systems do not work, and thus allow for corrupt practices to take place. Such highlighting is often a precursor and base for advocacy action to take place subsequently (see next section on Advocacy).

If an NGO knows, for instance, that the Police are demanding and getting illegal fees over and above the official fees for vehicle licensing, the NGO can set up a simple form implemented covertly for recording the official rates, the actual fees paid, the dates, and if possible the payers. If the NGO uses that information to make a fuss about such illegal payments, and the Police commit to reforms, the NGO can go back later to see if the payments are still being made. The NGO can also calculate the amount of illegal income that the Police are gathering each day, or other agreed period, and use this information as a tool to demand reforms, and create an advocacy campaign around this issue.

Monitoring checks Compliance with International Standards (but can also help establish them).

Monitoring initiatives traditionally use international legal standards, or national legal norms, as a baseline for their assessment. The advantage of legal instruments-based standards is that the legal framework is clear: the monitoring focuses on the implementation and impact of the various provisions of the instruments. International organizations' efforts usually take this form, such as monitoring mechanisms relating to the Convention on Combating Bribery of Officials in International Business Transactions of the Organisation of Co-operation and Development (OECD), the GRECO Programme of the Council of Europe (see box adjacent) and the various monitoring exercises within the European Union.

Monitoring can also use existing international standards of good practice as a point of reference against which a system is assessed. Such international standards come from a variety of sources – some from international conventions and some are conditions set by donors for their support of a particular country. Many of them are not legally enforceable, but rely upon their evident good sense. Transparency International's Source Book 2002 has, at the end of every chapter, a list of indicators of good practice. This is attached as Annex 3/1 and is a very valuable reference tool. The European Union produced another list as conditions for budgetary support for the countries of Eastern Europe, and UNDP's CONTACT has produced "Self-Assessment Guidelines to Evaluate the Financial Accountability and Transparency of a Recipient Country"²⁷.

GRECO in Portugal

When the Group of States against Corruption (GRECO) evaluation team visited Portugal, it concluded that "the most frequent forms of corruption are the acceptance or solicitation of bribes by public officials and bribery by entities outside government bodies." Over the last two years investigations have tended to focus on more on phenomena such as corruption in local government (municipalities), bribery in certain branches of central government such as the police, the tax authority and the courts (clerks) as well as corruption and misappropriation of funds in sport

Portugal Corruption Notebook CPI-GA

Monitoring is a Tool that Needs Access to Information

Monitoring needs to establish a baseline or standard, and then needs data to compare against that baseline. For these reasons it requires access to information to the greatest extent possible at all levels relevant to the issue. The obvious place to look for information is in the media – particularly the press. In some countries there is a strong tradition of freedom of the press, and the press are responsible and professional. In other countries the media is owned and controlled by people who may be part of the corruption problem, and will be unhappy at allowing their papers or TV channels to report such information. In such cases, an NGO fighting corruption needs to go beyond the existing media and look for other information that is publicly available.

"Publicly available" is a term that is capable of a lot of interpretation in many countries. Only a few countries have put into place a Freedom of Information Act (FOI)²⁸, and the existence of the Act may mask a large number of difficulties in actually using its provisions. To give general information to the reader about FOIs, and to act as a pointer for the future (since monitoring NGOs may well get involved in the promotion of an FOI law), an article on Freedom of Information laws is shown in Annex 7/1.

²⁷ This appears as Chapter 13 of CONTACT (see http://www.undp.org/governance/docs/AC_guides_contact.htm)

²⁸ 52, according to Helen Darbishire, and 20 of these since 2000

If an NGO thinks it is necessary to use the provisions of FOI laws, they should be carefully studied in advance to assess what is necessary to file a successful application for information. The framework that exists for enforcing FOI provisions should also be carefully studied to make a realistic assessment of the chances of success.

South Africa has an Access to Information Act, but, as we see from the PSAM - Public Service Accountability Monitor (Case Study 1 of Chapter 9), it is not always easy to get the information. They say: "Once a Promotion of Access to Information Act request is made, departments have, according to the terms of the act, 30 days to respond to PSAM. Failure to do so is considered a refusal, according to the terms of the Act. This refusal is then appealed by PAM and, again according to the terms of the Act, a further 30 day period is given to the department to respond to the information request. If this period also results in non-compliance, the issue is presented to the court".

Where there is a good tradition of investigative journalism, this is a gold mine for an NGO carrying out monitoring. The NGO should make friends with the journalists, and research the back issues of the newspapers that cover applicable investigative stories for the information that it could use. There are world-class organizations like the Centre for Public Integrity with its world network of investigative journalists, and national organizations, like the Philippines Centre for Investigative Journalism that is largely credited with bringing down President Estrada. NGO monitors have to be careful, however, about the competence and professionalism of journalists and media that revel in scandals, and exposes. They may well be partisan, and their work may not be based on good journalistic standards. The downside of using these sources is that information they provide may be based on rumors, or on wrong or biased information.

Given that the monitoring NGO's credibility is absolutely essential to maintain a credible monitoring project, there is no room for error. The Monitoring NGO should draw from these sources, but carry out investigative activities itself (perhaps by hiring in an investigative journalist if they do not have such capacity themselves) to separate rumors from fact, gather additional data or ensure that all documentation provided is useable in court, or is of sufficient quality to support a developing dossier.

Stakeholders

While various stakeholders involved in the issue identified for a monitoring effort may see advantages to a monitoring project being developed, they will not all necessarily have the same reasons for doing so. It is an important task for the NGO doing the monitoring to consider what might be the incentives for different stakeholders. This could to add leverage to its operating framework, to provide opportunities for giving and receiving training in how corruption works (and how it can be combated), and to create avenues for media interest.

Incentives for getting access to strategic information may also help to build alliances with politically powerful institutions and facilitate communication with otherwise ambivalent organisations. Being aware of other stakeholders' motivations and information requirements can help the monitor keep them actively engaged, which may

lead to increased information flows for the project and support achievement of the overall project objectives.

The kinds of stakeholders who may find monitoring and its results attractive to them include Government, the Private Sector, and the international donor community for some of the following reasons:

Government

- Government can proudly point out that an independent monitor is looking at their efforts. This adds to their reputation for transparency.
- Government can instantly publicize any progress that is made. While this may not be an instant resolution of all problems, progress can be seen (and reported) in reasonable time exhibiting the tackling of problems, improvement in procedures, increases in transparency, and increases in the seriousness with which topics are being addressed.
- The NGO can provide recommendations where it notes that a procedure has shortfalls. This can contribute to improved legislation and functioning of government.
- The NGO and government officials may learn from each other while working together. Increased transparency on processes through the monitoring NGO's work can increase external understanding of the functioning of governmental institutions and demystify processes.
- Corrupt practices are illegal and may be hidden from the government itself. The NGO monitor can act as a focal point for various sources of information, usually much wider than those available to possibly mistrusted government officials. It can act as a conduit for sources wishing to remain anonymous, when such sources believe the NGO can be trusted. The NGO can then report the information provided whilst still preserving the sources' anonymity. The government is thus informed as well as the public. This has the advantage, for example, of informing the highest levels of government of petty corruption when those involved with it would be too frightened to take any sort of public stance (see adjacent box on Philippines).
- Significant sums of money may be recovered by the government in unpaid taxes or fines, if monitoring identifies such.
- The NGO is not subject to the same pressures as government and may be able to act where individuals in government cannot. At the local level, government officials may have the will to tackle cases of corruption, but face significant pressures from companies, local elites and others involved. The monitor can act as a conduit for those officials, as it would for representatives of civil society.
- The public often has a deep-rooted mistrust of government officials where corruption is a common fact of life. The NGO monitor can change these dynamics through increasing transparency and gradually help trust to be regained.

Citizens Groups Monitor School Supplies in Philippines

The Department of Education's procurement systems have undergone a radical overhaul since 1999. More stringent controls, together with the monitoring of biddings and deliveries of goods by citizens groups, have succeeded in eliminating egregious practices such as fat commissions and "ghost deliveries". The result is that after four years, each public school student now has one textbook for every subject. The previous ration was one book for every six students

*Philippines Corruption Notebook
CPI-GA*

- Openly and overtly addressing corruption through agreeing to an NGO monitoring project may improve the image of the country abroad. This can have many benefits including attracting foreign investment from companies wishing to operate in a more stable environment.

The Private Sector

- Corruption can give some companies an unfair comparative advantage. The best of sector companies are then discouraged from investing in countries where corruption prevails. This results in a potential huge financial loss to the government, as worst of sector companies often do not pay the required taxes, deliver poor service and substandard products, avoid regulations etc. Monitoring can reduce this unfair comparative advantage by exposing bad practices and encouraging sanctions to level the playing field or eliminate illegal operators from it.
- Companies that operate in a transparent manner both benefit from a better market image and are unlikely to be adversely affected by corruption monitoring applied by national and international NGOs.
- Companies can use the monitor as a confidential avenue to report corrupt practices by government officials, which can become crippling and restrict their expansion. Companies may face some problems linked to corrupt practices, but be unable to tackle them openly from within because of pressure on their staff by these same government officials. A dialogue can be established with the monitoring NGO that allows them to report on corrupt practices to a wide audience whilst maintaining anonymity for the sources.
- The Private Sector often comes under attack from international and local NGOs and vice-versa. Frustration can build up on both sides if neither feels they are listened to, leading to a stalemate. The process of documentation by the monitoring NGO is neutral and open to input from all parties. The project objectives, information gathered and conclusions drawn are transparent. Monitoring reports can therefore allow different groups to understand more about each other's constraints as well as each other's progress.

The International Donor Community

- Many projects initiated and supported by international donors fail to deliver expected outputs due to corruption and the embezzlement of funds. The monitoring NGO undertakes a reality check on program implementation using identified indicators of progress. This can support performance-linked donor disbursements set against the completion of concrete milestones.
- Donor funded programs are often poorly implemented and misuse of funds occurs where corruption exists. If the monitoring NGO can get data on fund use that evidences embezzlement this will inform donors on the points of weakness in the administration of many of their programs and improve their efficiency. Should embezzlement and corruption be tackled, it might even be true that special donor funded programs are unnecessary, since the government will have its own resources.
- Increased transparency in a given sector can be used to improve other sectors. Structural Adjustment Programs supported by donors focus on the development of a free market economy which it is recognized can only deliver the intended benefits where social justice and transparency exist. Monitoring provides a direct way of identifying this and thus tackling corruption.

- Donors often have very little information on corrupt practices and how these affect their programmes. In order to assess the impact they often rely on information provided by the same officials who may be participating in corruption. Independent monitoring provides donors with third party, objective and detailed information on governance, loss of revenues, public tensions and program implementation.

Monitoring is a tool that is valuable in itself, but is made more effective when joined with public information and advocacy.

Although the monitoring NGO's findings may highlight important discrepancies and *de facto* corrupt practices, little action may be taken by key stakeholders on the monitoring NGO's findings, unless advocacy at various levels promotes it. If the information is not used quickly, then delays in turning the NGO's findings into action reduces their potential impact, and targeted groups may use as an attacking gambit the argument that the information is out of date, and no longer reliable or relevant.

While the NGO may be pushing for greater public information and increased transparency, the publication of findings may be met by a lack of interest. This can be due to:

- High level political pressures discouraging donors from using leverage, which can be very useful to promote local change
- National or international disinterest in the issue
- High financial stakes pressuring stakeholders into maintaining the status-quo
- A slow reaction from stakeholders who may be engaged on other issues
- Poor publication and dissemination of the Monitor's findings

It is important to recognize that pushing for action by 'friendly stakeholders' who committed their support to the monitoring project can require as much planning, strategy and resources as the monitoring itself.

The NGO can document that a system is dysfunctional and suggest changes that need to be made for it to be effective, but it has the limitations when it comes to promoting action:

- If the same NGO agitating for action on an issue, or "advocacy", was previously carrying out the monitoring, some will accuse it of having "cooked" the monitoring in order to lead it to advocacy. The best defense against such accusations is for the monitoring to be objective and professionally sound.
- The NGO may have limited its monitoring to a specific system or time period, and not have enough information to warrant a full scale advocacy campaign. The defense against this is to consider in advance what you are going to monitor and make sure that it is pertinent to a possible future advocacy campaign.

In general, however, monitoring, if well chosen with advocacy in mind, can be the most effective way of gathering information that will subsequently be of great value in educating the public about the particular issue at hand, and contributing to the advocacy campaign that aims to reform that same issue.

For more information on how NGOs can optimize their anti-corruption monitoring work, please see Chapter 6.

Advocacy – what it is and what it does

Advocacy is a tool that identifies blockages to good governance practice in laws, policies, practices, and behaviour, that identifies points of leverage, identifies power relations and clarifies what is winnable with the resources of those advocating. Advocacy is defined by its ability to cause change, and is a tool that clarifies the specific changes needed, identifies possible coalitions of diverse actors on a commonly felt issue, increases popular education, harnesses popular opinion and builds popular support for an issue. It can pragmatically identify the activities that can succeed in causing change and manage their execution, keep issues alive, and encourages reflection on what works and what doesn't work so that iterative efforts can be made to finally effect change. Advocacy is fed by information that comes from monitoring, and is implemented by a competent and well managed organisation.

Introduction

If an NGO has been monitoring the State's public commitment to decreasing corruption, and monitoring its actual practices even more tightly, it may well find that there are significant problems of the following kinds:

- The state has made little public commitment to reducing corruption
- The state has made limited commitments that do not, however, touch on important abuses
- The state has made important commitments, but has not backed them up with specific plans
- The state has made both commitments and plans, but little is happening
- The state has made commitments, plans, and has made a show of implementation, but it is having little effect

The NGO has been watching what the state and others are doing and has found grave disparities between the rhetoric and the reality. It feels it is time to reveal this disparity, show the public what is and is not happening, and engage the public to put some pressure on the state to make them live up to their promises – or – where they have not yet made sufficient promises, to put pressure on them to make some promises to reduce corruption. The NGO feels it is time to push for some changes to the status quo that it has been monitoring, so that the public will be educated about the real situation, and so the public will pressure the government to get serious about making changes. In other words the NGO is ready to start using the tool of advocacy.

Advocacy is:

“A series of actions designed to persuade and influence those who hold governmental, political, or economic power so that they will adopt and implement public policies in ways that benefit those with less political power and fewer economic resources”²⁹.

In practice, advocacy is:

- a series of strategic activities or actions – systematic, democratic, and organized - that build on each other over a period of time.

²⁹ Definition from the Advocacy Institute, Washington DC (please see www.advocacyinstitute.org)

- a technique for changing laws, policies, behaviours or the ways that these are carried out in practice.
- an instrument for changing the balance of power so that vulnerable people are freed from exploitation.

NGO Advocacy

The kind of advocacy you can employ as an NGO is different from the kind of advocacy that big business or political parties can employ. Big business or political parties can lobby and persuade through the use of money, through intimidation, through bribery, through expensive and powerful public relations activities. NGOs are probably going to have to rely on popular pressure based on compelling issues and arguments, and moral authority. The adjacent box on Kenya shows the kinds of pressures NGO in Kenya have been able to use.

The usual goal of advocacy is to influence the public policy process³⁰. It is inherently a political activity. It involves:

- identifying the targets for the advocacy (i.e. those who have power over the issue on which the NGO is advocating). This will require learning about the political environment and political process
- identifying other stakeholders who may be allies or adversaries, and analyzing their stakes in the issue
 - allies – which may be friendly politicians/decision makers
 - prominent persons
 - other NGOs
 - media
 - the public (but not always! some anti-corruption issues will never be won through popular pressure)
- deciding on a strategic series of actions
- clarifying what success means for this issue

The Issue for an Advocacy Campaign.

As was said at the start of this chapter, the corruption issue that the NGO wants to work on may result from the government not doing something, doing something - but not seriously, doing the wrong thing, doing something cynically that is designed to be ineffective, or doing something right - but not doing it strongly enough. To a great extent the issue will be revealed by your monitoring work, but it is also likely that your

Issues taken up by NGOs in Kenya

Civil society in Kenya has been an important check on the arbitrary exercise of power by the government and has served as a watchdog on government performance and corruption issues. It has raised public awareness of what corruption is, and its effects, and what is expected from government. NGOs like Transparency International Kenya, Social Development Network, and Center for Governance and Development have all worked towards reducing corruption in Kenyan society. They have published opinions about the extent of corruption in different sectors of society. They have contributed enormously to constitutional, legal and political reforms, which are important for good governance and meaningful anti-corruption reforms.

*Kenya Integrity Assessment Comments
CPI-GA*

³⁰ In Chapter 7 this is further refined. Advocacy is intended to make changes in Laws, Policies, Practices and Behaviour.

monitoring work will reveal a number of linked issues, and you will have to choose the one on which to concentrate.

The important point about an issue that you want to take up for an advocacy effort is that it is, in some way, blocking the way forward in your country, in a particular department, a particular ministry, or in the lives of the people. There is an impediment to good governance or development resulting from corruption, and the NGO thinks that it can help to overcome that problem. Getting the problem clear is the first step.

For instance, in a particular country, an NGO may consider that an Anti-Corruption Commission is a very necessary instrument for combating corruption, and may want to promote its creation, its implementation or its support. The NGO may be working on many fronts, however:

1. There may be no such Commission, and the NGO wants to advocate for its creation
2. There may be such a Commission at the national, but not the local level
3. The government may have announced its intention of creating such a Commission, but nothing has happened
4. The government may have a definite plan to create such a commission and is putting it through the legislative and policy making processes
5. The government may have already established such a Commission, but it has insufficient budget, does not have a prosecutorial role, and has leaders without integrity
6. The government may have created a Commission, but the members of its Board and staff are civil servants vulnerable to pressures if they act with integrity

Your organization will have identified, through its research and through its monitoring the particular situation in your country, and you will need to decide on the issue for your advocacy campaign.

It may be, in the case outlined above, any one of the following:

1. There is a strong need for a formal government authority to combat corruption
2. There is a strong need for a formal district authority to combat corruption
3. There is a strong need to push the government to set up such a body
4. There is a strong need for the people, or peoples representatives, to be able to participate in drafting the legislation
5. There is a strong need for the Commission to have an adequate budget, prosecutorial powers of its own, and the involvement of citizens in choosing the Commissioners
6. There is a strong need for the Commissioners and staff of the Commission to be independent of the government structure

The NGO, by itself, or in collaboration with others, will need to decide what is the problem that it is trying to solve, depending on the situation in its own country. It will need to analyze the problem very clearly to understand its causes, the people likely to have been involved in the creation or existence of the problem, and the people likely to be involved in controlling or changing it. It may well be that there are a number of anti-corruption NGOs that can work together and complement each other.

The NGO's choice of issue, because it will lead to the kind of campaign it is going to implement, must be pragmatic. Advocacy against corruption is going to involve changing the status quo through which certain powerful people are doing very well for themselves: they will not welcome changes in that same status quo. They may be prepared to engage in threats and/or intimidation to stop your initiative. The NGO's advocacy is also going to be based on few resources, and on attempts to mobilize popular pressure.

An important question to ask is whether the issue that the NGO has identified is "winnable". Pragmatically, has the organization a chance of succeeding? If its goals are too ambitious, it risks not changing anything. Sometimes this means starting with smaller advocacy objectives, and moving to larger objectives as small victories are accomplished.

Key Approaches in Advocacy

The NGO and those that are likely to partner it in an advocacy campaign should systematically brainstorm goals and objectives, as follows:

1. What does the NGO want to do about the problem?
Is this a matter of publicizing it, or is there a much more precise objective? (like getting a government regulation changed).
2. Can a clear and realistic policy change be accomplished?
This requires the NGO to know more about how the present policy was set up, and how any change might be made to the present policy.
3. What can the NGO realistically accomplish?
This requires a sober and objective look at the capacities of the NGO and the possibilities of the NGO involving other organizations to work with it.
4. On what basis can the NGO justify its involvement in the issue?
Are others likely to see this as a legitimate activity of the NGO or not?
5. Is the NGO credible?
Will people be prepared to listen to it in general when it speaks?
6. Can the NGO speak with credibility on this issue?
Has the NGO already established that it knows what it is talking about on this issue?

Once the NGO has established clear objectives they will also function as a check on any activities that are suggested – so the NGO should ensure that any activities that it has in mind indeed support the objectives on which it has decided. The objectives should drive the advocacy, not the activities.

Often NGOs' advocacy programs are defined by negatives – what has to be changed, what has to be reformed. Too often NGOs do not have a very clear idea of what they want to achieve or what alternative do they offer to the status quo. Since advocacy is generally about persuading many people to put pressure on the government to change something, the NGO is unlikely to get such pressure mobilised unless it can explain its

alternative clearly and get considerable buy-in to it. Monitoring, by offering an accurate diagnosis of a problem, should be especially helpful here. Monitoring should result in a series of concrete positive recommendations that can serve as a solid platform for advocacy efforts.

Advocacy requires Appropriate Targets

Once the NGO has decided what it is that it wants to do, it will need to ask itself:

- “Who controls the present situation that we want to change?”
- “Whose power is behind the status quo that we want to reform?”
- “Who is the target for the advocacy campaign?”

The target to a large extent depends on the issue. The target is the person or institution that has decision making power over the issue on which you have identified to work. If your issue is corruption in the police, then those who have power to reform such corruption are the police themselves, the Ministry in charge of Police – (usually the Ministry of the Interior) and possibly Parliament. If your issue is corruption in the tendering process for government projects, then your target is the Tendering Board, the Ministry of Commerce, and possibly the donors whose money is being used corruptly. If your issue is corruption in the issue of identity cards, then your target is the Ministry or department that is responsible for issuing such cards, plus those who are in charge of them on a daily basis.

This will not always be so clear. In the case of a law it is pretty clear that the legislature produces laws and only they are able to reform or cancel a law. Many legislatures, however, operate as a rubber stamp for bills that are introduced by the Executive, and thus the target is probably going to be the Executive, rather than the Legislature, since you know that if you get the reforms accepted by the Executive, the legislature will follow their lead.

Or it may be that the Legislature is not a rubber stamp for the Executive, but is a complex web of different parties and ideologies. In such a case the NGO will need to learn a lot about the horse-trading that goes on in Parliament that could possibly lead to a majority accepting the aims of its advocacy campaign.

In some cases heavy public pressure can get a law passed through Parliament, overriding the usual complexities of patronage and influence in Parliament (see adjacent box on Brazil). In general, however, NGOs wanting to change laws will need to be acquainted with the complexities of their country’s Parliament.

If the NGO is dealing with policies, as opposed to formal laws, it is very difficult in many countries to get a clear idea of the person or persons who made a particular policy, and who therefore has to be persuaded to change it. It may be that the policy was made a long time ago and has acquired a life of its own with no-one taking responsibility for it, it may be that the policy has become linked to other parts of the government’s work, and therefore a change in the policy is

A Clear Target in Brazil

I must mention the recently passed Law for Fiscal Responsibility, which charges mayors, governors and even the President with heavy penalties if they waste public money. The “Anti-Corruption Manual” was written by a group of citizens who impeached a small town’s mayor in the state of Sao Paulo last year. The manual then received massive coverage by TV and magazines and thousands of copies of it were distributed.

Brazil Corruption Notebook Comments CPI-GA

seen by the government as a dangerous precedent for other changes that are not wanted.

It may be that the NGO is dealing with behaviour rather than policy - like people's seemingly inability to distinguish between ethical and corrupt behaviour. In such a situation, no-one has made a policy or a law or an instruction, but a pattern of behaviour has grown up over time with many different elements feeding into it.

For advocacy to succeed the NGO needs to have a clear target, preferably as personalized as possible. It is difficult to lobby a committee, and it is difficult to persuade a group to reform a law, policy or practice. It is much more effective for the NGO to single out the key person who is the target for your advocacy – the key person who has the power to change the present situation and replace it with the situation that the NGO is advocating.

Advocacy requires Coalitions

It will be a singular NGO that has the strength to effect change by itself. It is much more common for successful advocacy efforts to be the product of a range of organisations, some NGOs, some media, some businesses, some universities, and possibly some political parties. The choice of who the NGO decides to work with in order to make sure its advocacy effort is as effective as possible, can be a delicate one. NGOs may find themselves forming alliances with people and organisations with which they normally would not associate. For example in Thailand the government was very intent on building a dam in a national park. Initial opposition came from environmentalists who advanced their arguments about the destructive nature of the dam. As the subject became more well-known, others became interested in it, and the final advocacy team to fight the dam included representatives of the indigenous people living in the park, environmentalists, students, a political party, and anti-corruption activists who were convinced that corruption would be involved in the construction of the dam.

In the same way a campaign against corruption might bring together students, religious movements, the business sector, a political party, and housewives. Such groups may not fit easily together, and there will be a large amount of campaign management needed to take place to make sure that all parts of the coalition "keep their eyes on the prize"³¹.

Alliances, coalitions and networks may be short or long term, specific or general. They may provide for very positive results, or they may only divert energies and resources from the real issues at hand. An advocacy NGO (particularly if it is newly formed) has the potential to learn from other advocacy organisations. It might well be useful for it to attach a staff person to another advocacy organisation (particularly one that has been longer established) to learn the "tricks of the trade", or to ask for one of their staff people to be seconded to it..

Learning to Use the Political Environment

³¹ "Keep your eyes on the prize" was a slogan from the civil rights movement of the 50s and 60s in the USA, meaning "do not get diverted from the main issue". It is a very useful slogan for those fighting corruption as well.

Advocacy against corruption involves engaging with the Legislature, the Executive, and the Judiciary. It also involves engaging with the media which, in nearly all countries, is a very important actor in the political arena.

The Legislature, Executive, and Judiciary

A guidebook like this cannot inform the reader about how the local or national legislature works in each place where the book will be read. It is likely that there will be organizations that have documented the workings of the legislature in each country, and an NGO interested in advocacy should acquire such documents and perhaps ask for a workshop to teach its staff about them.

Basically the theory is that each of the three pillars of the state is independent of the other so that they can act as a check on each other. How far this is true will differ in each country. Again, in theory, the legislature makes the laws, the executive implements and enforces them, and the judiciary is involved when these laws are questioned or broken. And again the extent to which this is true will vary across countries.

Policy making systems help establish the rules that govern states and societies. They are made up of institutions and people with different understandings of their society's problems and different stakes in the policies that address them. Changing and dynamic, these systems vary from country to country. Each operates in a particular political and cultural context with differing characteristics and players.

A lot of the making of laws, policies and practices involves the exercise of power. Those elected to power consider that they have the right to exercise power now that they are elected, and will be keen to do so. They will want to make laws, and in some cases those laws will be self-serving. Those who are in the Executive Branch of the government have long been used to exercising power, and will not easily be convinced that they should listen to other opinions, and follow their advice. In many cases the Executive will not be interested to hear the views of NGOs, and Parliament is likely to be of the same opinion. In many cases the NGO will be accused of not having "the peoples' mandate". Increasingly, however, Parliaments are interested in the views of NGOs and in the adjacent box we have the notable exception of Germany encouraging NGO involvement in policy issues. It should not be forgotten that the Executive Branch also is used to the exercise of power through the police, and may well feel that this is the response they should direct at anti-corruption NGOs.

The German Parliament seeks the views of NGOs

The past 20 years (...) have witnessed the advent and multiplication of more modern NGOs engaged in public advocacy campaigns. (...) the political system has adjusted to the notable boom of NGOs. Today there are frequent hearings in the Bundestag (the German Parliament) which permit representatives of CSOs to air their views at various stages of policy formulation. If CSOs are immediately concerned by a certain law (say, for instance, a new tax clause) they now commonly have the opportunity to present their positions and concerns on the subject. Over the past six years the Bundestag has systematically surveyed civil society organisations and other forms of civic engagement.

Germany Integrity Assessment CPI-GA

NGOs have to be quite "political" in their ability to identify power blocs, leverage, influence, and patronage, and this in itself often proves to be a problem. In Chapter 1 we talked about NGOs thinking of themselves as ethical people, coming from the

moral high ground. Quite a few shrink away from the compromise and politicking that is often required in advocacy work.

Most Good Advocacy involves the Media

A limited advocacy campaign in a remote community possibly will have no need for the involvement of the radio, the TV, the newspapers, and/or the Internet. But very many advocacy campaigns about national or sub-national issues will not be able to have a face-to-face discussion with those who are likely to be affected, or those who are likely to be responsible. They will need to get their message across via the media, and it will be a message designed to be heard and seen as much as possible by particular groups in the country likely to support the NGO's position. The media is, however, a tricky partner in advocacy. Firstly, the media is often owned by individuals with a political agenda, and an NGO may find itself caught up in events not of their own choice. Secondly, the media has its own ways of working that often tend towards exposes and scandal. If that is what the NGO wants, and it is aware of the dangers of this approach, then it may use that strategy – but if it is looking for consensus and partnership building, the media is a dangerous ally.

The media are also, in many countries, likely to be ready to rush to print or broadcast with the flimsiest of evidence. If your NGO is linked to an expose that is badly researched your credibility as an organisation will be damaged, and you may well be strongly attacked by powerful people.

The media is not just the formal newspapers, radio and TV. It is possible to both educate and amuse people at the same time, and this is greatly to be desired. It may well be worth working with popular singers, actors or comedians (see the adjacent Kenya box – “Working with Popular Songs”)

Working with Popular Songs

Two years ago Eric Wainana, then a 27 year old musician, hit the Kenyan stage with a popular song Nchi ya Kitu Kidogo (“a Country of Bribes”). The song, which captured the public's imagination, was on everyone's lips. It exhorted Kenyans to shun corruption or “kitu kidogo (“something small”). Wainana was performing the song at a gala attended by then Vice-President George Saitoti and a host of other government officials. Inexplicably the microphone went dead just when he started singing the second verse. Undeterred by the technical hitch, the audience continued singing the song.

Kenya Corruption Notebook CPI-GA

Gathering and Disseminating Relevant Information

Collecting and distributing information strengthens your campaign and informs decisions makers, providing them with evidence that shows why reform or change is necessary. There are three main types of information that you should collect and distribute: information about problems, information about prevailing public opinion and information on possible solutions to the problems.

Documenting problems: This is where monitoring comes in. Monitoring provides a diagnostic picture on which to build recommendations and launch advocacy campaigns to make sure the recommendations are implemented.

Assessing public opinion: Broad based popular support legitimizes a campaign in the eyes of lawmakers and donors. It will be helpful in approaching decision makers and will deepen your understanding of the problem. Studies can determine what people

think about an issue. If politicians see a majority of citizens thinking in a particular way, they are more likely to listen to possible solutions.

Providing possible solutions: Decision makers and authorities are always looking for solutions to problems. Many have identified the problem themselves, but do not know what they can do to solve the problem. Decision makers may well need NGOs to recommend courses of action and solutions for them. They do not have the time to understand the details of every issue. NGOs can collect information on how similar problems have been solved in other countries. This can include regulation, policy or conflict resolution options that have led to successful solutions to particular problems in other areas. Decision makers are more likely to listen to you if you present some viable actions that have worked elsewhere and that will help to resolve the present problem.

Organised Actions

Advocacy campaigns can stimulate people's thinking so that they grow to feel strongly about something that before they did not think about much. These new strong feelings that they have can be directed towards various kinds of pressure – on MPs, on government officials, on political parties – or on people who in turn will put pressure on such organisations or people. Organised actions, if well planned and followed up, can provide a great boost to an advocacy campaign. They can also effectively pressure decision makers or groups into changing a policy, or, more likely, entering into a negotiation process. There are many possibilities³² - they could be:

- Boycotts
- Demonstrations and marches
- Strikes
- Direct Action

Your NGO should be creative and imaginative in thinking of organized actions that can interest, amuse, and educate your supporters so that they are on your side and are prepared to press for the problem to be solved – see adjacent box on “clinking” in Venezuela. There is a comparable (and powerful) public event in Argentina where very large numbers of people bang cooking pots in unison to complain of the huge corruption of that country.

Social Sanctions in Caracas, Venezuela

Clink, clink, clink! The clinking of cutlery against glass is common these days in the eastside restaurants of Caracas, a signal that patrons use to indicate the unwelcome presence of high ranking civil servants, military officers, representatives of the government or public institutions or members of President Hugo Chavez' party. The purpose of the ensuing racket, which everyone in the restaurant is aware of, is to make the objectionable officials feel despised.

Venezuela Corruption Handbook CPI-GA

Advocacy Needs Competent NGOs and is Built on Good Monitoring

An NGO that wants to be successful in advocating for change will have to be smart and pragmatic. It will have to be able to identify those with the power to effect changes, to identify the weak spots where pressure needs to be applied, to identify those who will be prepared to support a campaign, and to identify those who will be able to convince others. It will have to be able to build coalitions that support their component

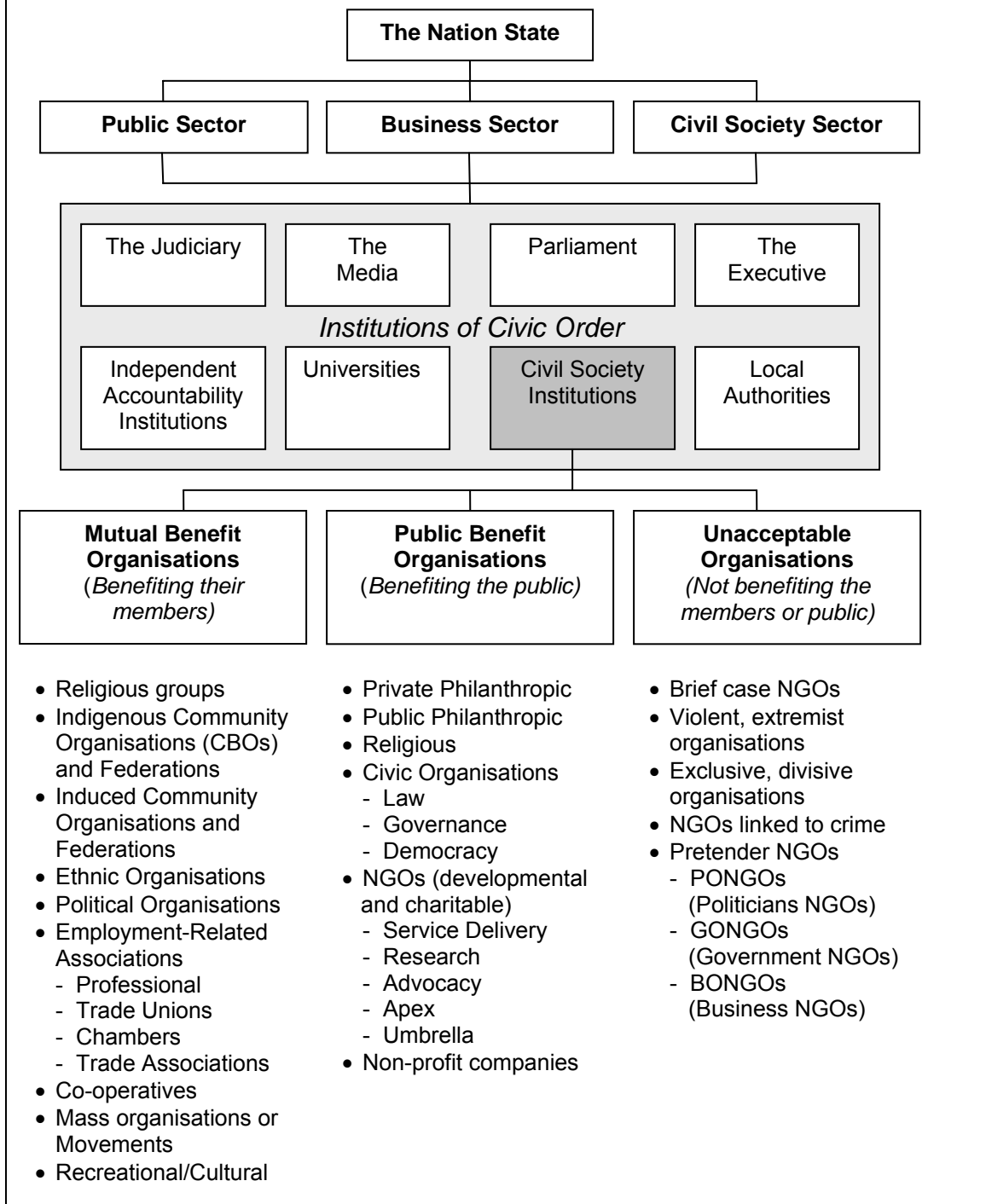
³² See Chapter 7 and Annex 7/2 for many more ideas on organised events and actions

members and do not allow them to break up in factional fights. It will have to be able to keep the trust of the public and confidence that the cause is just, and that it is winnable. Many of the skills required to do all these things are not part of the make up of many NGOs, and they need to think how to acquire these skills, or how to identify others with these skills with whom they can work.

An NGO managing an advocacy campaign will also build its case on the information that it has acquired from the monitoring work that it has done previously, or that it has been fed by another NGO. An advocacy NGO will take the data and the information that has been acquired from a monitoring exercise or effort, and target that towards the achievement of specific goals. It may be that one NGO will be able to do all these things – or it may be that NGOs with different strengths and different competencies can share the work among them. The Peoples Action Centre in Bangalore, India, which is the organisation that invented the effective methodology of the “Peoples’ Score Card”, remains the organisation that conducts the research and produces the data that shows up the bad governance and the bad customer service of institutions in India. They then pass over the community organising work, the mobilization of community pressure, and the advocacy to another organisation that specializes in such work. An effective NGO knows the range of other possible allies, their strengths and their weaknesses.

For more information on optimizing NGO anti-corruption advocacy work, please see the Chapter 7.

Annex 2/1: An Overall view of the State and Civil Society Organisations



Chapter 3

A Closer Look at Corruption

In order to engage in the struggle against corruption, an NGO should have an overview of the key debates about corruption, as well as an assessment of corruption in his/her country. Such an overview will not only provide information about possible causes and remedies, but also help prioritize intermediate goals based on areas of greatest need in the particular society, as well as the resources and allies that may be involved in the process.

Those working for greater understanding of corruption have devised useful categories and definitions that we can learn from – the most common being “petty” and “grand” corruption. The value of such categories and definitions is that it helps us to be selective in our ways of fighting corruption – what may be applicable in some circumstances may not be applicable in others.

Administrative, or “Petty” Corruption

The most common kind of corruption, well known to all who live in corrupt countries, north and south, east and west, is administrative corruption – payments made to influence the administration of existing rules and regulations. “Petty Corruption” (the term was created along the analogy of “petty crime” by George Moody-Stuart of Transparency International UK) is, as described by Inge Amundsen of The Christopher Michelsen Institute (Norway), as:

... corruption in the public administration, at the implementation end of politics. Petty corruption has also been called “low level” or “street level” to name the kind of corruption that citizens will experience daily, at times, in their encounter with public administration and services like hospitals, schools, local licensing authorities, police, taxing authorities and so on. (...) The consequences of bureaucratic or petty corruption are severe. Bureaucratic corruption is a predicament to private business as well as to any citizen’s everyday dealings with state officials. It excludes many people from public services and increases their cost, it obstructs, impedes and skews public spending, it makes markets irrational, and it makes the public administration and the entire political system illegitimate in the eyes of the population.

The word “petty”, if we are not careful, may lead us to undervalue this kind of bureaucratic corruption. There are three important elements to bureaucratic corruption that make it very important, however:

- The sums of money, even when paid in small amounts for bureaucratic corruption, can be enormous when aggregated. Shakedowns by the police, or by those operating protection rackets with the knowledge of the police, on small shop-keepers, on small taxi drivers, on trucks taking produce to market can mount up into very large sums of money. When the added levies on various forms of licenses are added to this, the amounts are seriously significant. While one shop-keeper has paid perhaps only 50c a day, the take from all shop-keepers in one town in one month, will likely be larger than the salaries of the police stationed in that town. When this is multiplied by all the towns, and all the months in a year, we are dealing with a shadow economy that is very large indeed.

- The poor are the worst hit by bureaucratic corruption. If the ordinary cost of getting your child into school, or getting attention in the clinic, or getting connected to a water pipe is difficult for a poor person to pay, it then becomes impossible for a poor person to pay when the cost has been jacked up illegally. The end result, then, is that the child does not get into school, the sick person is untreated, and the family continues to collect open dirty water. It is not a question for most poor people of clever budgeting, or of deciding between different options – poor people have no extra disposable income when illegitimate fees are imposed, and simply cannot pay.
- Bureaucratic corruption does not stop at the person who is paid off. Illegal and illegitimate levies often support the power structures up the chain of command in a “pyramid of upward extraction”³³. Thus not only does the individual policeman receive income, but also a proportion of what he receives is passed on to his boss, and his boss, and his boss. This has a number of results: firstly this means that the income of senior staff in the government bureaucracy is augmented by petty corruption, and that any cancellation of that income will be strongly resisted by powerful people; secondly such income may sometimes be used to augment the budget of the institution over and above what it receives from the treasury – and so the cancellation of such income would mean that such income had to be found elsewhere; thirdly the collection of such petty levies is not simply at the discretion of the individual policeman, or tax collector, or clinic worker, or school-teacher – that person may have strong pressures on them from their bosses to collect such fees. The collection of such fees may be a necessary part of what is expected from anyone who holds that job. The cycle may have started long ago with the lower level official “buying” his job from his boss, with the understanding that a portion of the illegal fees are siphoned upwards, and that this is not to be disclosed.

Petty corruption thus is not so petty when we consider the huge amounts that are manipulated in aggregate, the way that it underpins the effective take home pay of government officials, the way that it establishes a patronage network in which job security rests on a willingness to continue corrupt practices, and to keep quiet about them.

The UNDP’s CONTACT Guidelines³⁴ suggest a list of corruption possibilities:

Corruption is commonly found in the following areas of the public sector: public procurement, customs, taxation, police (especially traffic police), immigration, licenses and permits (including driver’s licenses), provision of services where there is a state owned monopoly (e.g. telephone connections), construction permits and land zoning, and government appointments

This is only the tip of the iceberg, however; there are many who will have been touched by the larger and more avaricious practitioners of corruption. Indonesia can

³³ Inge Amundsen, “Corruption – definitions and concepts” Chr. Michelsen Institute 2000.

³⁴ CONTACT – Country Assessment in Accountability and Transparency. These are self-assessment guidelines to evaluate the financial accountability and transparency of a recipient country.

serve as an example of many other countries: in Indonesia, as well as the examples listed above, we can easily find some of the following varieties of corruption³⁵:

- *Civil servants pay to get access to “wet” jobs – these are those jobs that have the greatest extortion possibilities³⁶*
- *Development programs are “projectized” i.e. disaggregated into projects so that there is always the need for a project officer and administrative budgets to enable the project to be implemented – posts that are often unnecessary.*
- *Fictitious projects are inserted into the annual budgets*
- *Judges take bribes to make favourable judgements or favourable rulings on punishment*
- *Police earn money from tie-ins with criminal gangs*
- *The Attorney General’s office extorts money from plaintiffs*
- *Banks ignore banking regulations to make unsafe loans in return for a share of the loan.*
- *The government bribes MPs in order to get them to pass bills that will allow government officials to receive corrupt income*
- *Local Government officials bribe MPs to approve their annual accountability report to Parliament so that they can continue with their corrupt practices*
- *Political parties demand contributions from businesses*
- *Political parties accept bribes in consideration of their willingness to offer favourable measures once elected*
- *People pay political parties to allow them to be candidates and thus get access to extortion possibilities.*
- *Local bye-laws in local government areas are for sale*
- *Taxes and levies legally approved by local government are stolen by the collecting officials and never reach government*
- *Public service foundations are changed into holding accounts for political parties*
- *State owned enterprises are used as cash cows for political parties*
- *Auditors require those being audited to pay for the costs of the audit*

Examples from other countries that surfaced in presentations at the two-yearly International Anti-Corruption Conferences (IACC) include:

- Universities that require bribes to grant degrees
- Schools that require bribes to move children into the next year
- State Capture (see later) whereby government officials pass laws that will continue to offer them corrupt possibilities, sanctified by law
- “Slush funds” are passed into law by Parliaments
- Stealing of pension funds from workers
- Creation of sham anti-corruption commissions that do not have the interest, the budget, or the legal authority to actually investigate and prosecute corruption.

Activists will recognize similar examples from their own countries. All anyone could possibly want to know about varieties of corruption can also be found in the Centre for Public Integrity’s publication “The Corruption Notebooks” from which the boxes in this book are taken.

³⁵ See “Breaking through the Barriers of Systematic Corruption” by Richard Holloway, Partnership for Governance Reform in Indonesia, Jakarta. 2002.

³⁶ In Indonesian “*basah*” (wet) jobs are contrasted with “*kering*” (dry) jobs – where there is little hope for extortion.

Grand Corruption

The term “Grand Corruption” was also created by George Moody-Stuart of TI UK and refers, in the words of Inge Amundsen, to:

Political or grand corruption takes place at the highest levels of political authority. It is when the politicians and political decision makers, who are entitled to formulate, establish, and implement the laws in the name of the people are themselves corrupt. (...) Political decision makers use the political power that they are armed with to sustain their power, status and wealth. It is when policy formulation and legislation is tailored to benefit politicians and legislators.

The important thing about political or grand corruption is that, in many cases, no one is breaking the law – what they are doing is controlling or making the law for their own purposes. It reveals therefore a breakdown in the usual checks and balances of a good governance system. Political or grand corruption allows an individual or a group of individuals to formulate and pass laws to their own advantage without any system of checks and balances to impede them. It also allows them to disregard laws that might exist. “Conflict of interest” as an important principle, is therefore disregarded. Political corruption can skew and distort political institutions, the rules of procedure, and the ways in which decisions are made (the adjacent box about the USA illustrates this).

It results in very far reaching problems for the economies of most countries because what would normally be decisions that are made to benefit the state are made to benefit an individual or group of individuals. The cost of a particular commodity is increased because an individual is given the monopoly rights to import it, or trade in it, or export it. Extra levies are legally enforced on important products which, of course, change the market situation of that product.

In many cases corruption is assumed to be a result of people breaking the law or going outside the law to carry out their corrupt practices. Political or grand corruption is when those in charge of making laws and policies are themselves corrupt and are able to legally enforce laws and policies that are in their own narrow interests and against the interests of the state and its citizens. This is not necessarily known by the citizens – the costs of products and services are accepted as a fact of life without realizing that specific decisions have been made by self-interested individuals. This means that any popular attempts to limit such corruption may have to start with educating the public about the processes by which the injurious laws and policies are made.

It also means that the corruption goes to the centre of the political establishment. We are not talking about a few powerful people doing something that they know they

“There is something rotten in the United States, but it is legal, and no-one will dare call it corruption”

The President’s father earns sizeable fees from a company getting millions of dollars in government defense contracts. The President’s brother will get \$ 2 million as a business consultant to a Chinese semi-conductor manufacturer even though, by his own admission, he knows nothing about semi-conductors. The President’s campaign manager starts a company to help corporations land lucrative wartime government contracts. The Vice-President’s former company gets billions of dollars of government contracts with selective bidding.

Its not Indonesia, Nigeria or Russia that boasts such an unabashed, mercenary culture in which influence peddlers so shamelessly cash in on their close proximity to power, but the United States. Ironically such practices are entirely legal in the world’s oldest constitutional democracy, which is perennially perceived in global surveys as among the world’s least corrupt countries

USA Corruption Notebook CPI-GA

should not do, and who disobey accepted standards and rules. We are dealing with something systematic and intentional. As Inge Amundsen says:

Widespread and systematic political corruption may be a basic mode of operation of certain regimes. (...) corruption is one of the mechanisms through which authoritarian power holders enrich themselves (...) it is a deliberately applied practice.

It can go to such lengths, as in Zaire under Mobuto, as to question the usually considered basis for a state to exist:

The state's (Zaire's) only apparent function was the systematic exploitation of its people and resources, while it offered nothing in return, not even security; instead the state itself and its agents were the principal sources of insecurity.

We are used to a state whose minimal functions are to preserve boundaries, uphold public order and security, collect taxes, and provide services to the people. Depending on the nature of the leadership we can find states as extreme as Zaire under Mobuto through to states in which a relatively few politically well-connected and influential individuals are able to extract from the state more than their fair share through controlling the ways in which laws and policies are made.

Transparency International has recently provided a league table of the really large offenders in this realm of grand corruption: it estimates the amount stolen from the state by a number of ex-Presidents³⁷

Mohammed Suharto – President of Indonesia 1967-98	US\$ 5-10 billion
Ferdinand Marcos – President of the Philippines 1965-97	US\$ 5 billion
Sani Abacha – President of Nigeria 1993-98	US\$ 2-5 billion
Slobodan Milosevic – President of Serbia/Yugoslavia 89-00	US\$ 1 billion
Jean Claude Duvalier – President of Haiti 1971-86	US\$ 300-800m
Alberto Fujimori – President of Peru 1990 –2000	US\$ 600m
Pavlo Lazarenko – Prime Minister of Ukraine	US\$ 114-200m.
Arnaldo Aleman – President of Nicaragua 1997 – 2002	US\$ 100m
Joseph Estrada – President of the Philippines 1998 –2001	US\$ 78-80m

This league table is only dealing with political corruption – it says nothing about the large amounts stolen in the commercial and business field in countries where the pattern for corrupt life has been set by the President. It does not take much imagination to realize that the amounts of money stolen in grand corruption are significant segments of a nation's economy. It also requires only a small exercise of the imagination to think what those countries, and the poor in those countries, would be like if that money had been used for the public good.

The loser in these massive games of theft is not only the state treasury that loses income, but also the ability of the state to try and prevent such hijacking of the national wealth in the future. When private citizens, commercial businesses (local and international) and various special interest groups (formal and informal, modern and traditional) are able to buy national and public resources cheaply, to buy exceptions, privileges, immunity and impunity through the use of kickbacks and mafia methods vis-

³⁷ Global Corruption Report 2004 – Transparency International

à-vis public officials, the state will not only be the poorer, but it will also be undermined, and either unwilling or unable to reform itself.

The effect of corruption is that the state is rendered incapacitated and politically impotent, while avaricious and greedy people are elevated. The capacity of the state to collect taxes and render public services is eroded, as well as its ability to transform the society and the economy according to political priorities, and to execute rational development policies. There is no point in putting forward a political manifesto if the purpose of the state is simply to provide one group or another with power and the income that comes with that power.

This seems a bleak picture – and in many countries that is so. However, citizens of integrity, working through NGOs, working through the media, working sometimes through the courts can, firstly, reveal the extent of the larceny; then, with the support of an exasperated and angry people, go some distance in limiting corruption, and some distance in punishing those guilty of stealing the people's funds. The Centre of Public Integrity's book "The Corruption Notebooks" not only shows the extremes of corruption in 25 countries around the world, but also offers examples of where the people have fought back and limited the thieves' practices.

State Capture

"State capture" is a term that has been coined by the World Bank in its book "Anti-corruption in Transition – a contribution to the policy debate"³⁸ and it refers to situations in which commercial interests have become so powerful vis-à-vis the state they are able to make sure laws and policies are tailored to fit their interests. The state is no longer in charge of itself, but it has become subordinate to the interests of commercial concerns.

The World Bank, while suggesting that commercial concerns are the main actors in capturing the state, is well aware that others may also work in the same way:

Who can capture the state? Often the "captors" are individuals, groups, or firms from the private sector seeking rents or other advantages from the state. Yet any actors with access to public officials and the capacity to provide private benefits to these officials in order to obtain advantages in the governing process can be seen as potential captors. Indeed public officials, themselves, can capture the state if they abuse their authority to help institutions and laws primarily to further their own private financial interests at the expense of the broader public interest, through identifying and indeed measuring such conflicts of interest are nearly impossible in the context of the transition. (...)

Different forms of state capture as distinguished by different types of captors (e.g. private firms, politicians, ethnic groups, the military) and different state institutions involved (e.g. the executive branch, the legislature, the judiciary, or regulatory bodies) will undoubtedly have their own unique dynamics and consequences. Therefore state capture itself should be unbundled to reveal a wide range of different relationships.³⁹

³⁸ "Anti-corruption in Transition – a contribution to the policy debate". World Bank, Washington USA. 2000

³⁹ "Anti-corruption in Transition – a contribution to the policy debate" World Bank 2000

The Bank's explanation leaves out one group that is increasingly interested in capturing power for itself by perverting the processes of state decision making – and that is organised crime. Organised crime can easily be in working relations with businesses, ethnic groups, businesses, and the other actors mentioned, but at the end of the day they want to pervert the state to enable them to make money, to establish control of lucrative sectors for themselves alone, and to make sure that they are immune from prosecution. Harald Mathisen of the Christopher Michelsen Institute in Norway has examined this in Albania, for instance:

Unfortunately it gets worse as grand corruption and organised crime are closely interconnected. Some senior Socialist Party officials are involved in smuggling, dealing in contraband, large scale tax evasion, and land grabbing. (...) It is clear that the country has become a safe haven for criminals who enjoy total freedom to run their drug-smuggling, trafficking of prostitutes and children, and other activities. A part of the enormous revenue that is generated ends up in the pockets of state officials and politicians⁴⁰.

If there are otherwise legitimate groups (e.g. political parties, ethnic groups, commercial companies) who are bent on over-ruling the usual rules of the state, they are very likely to need enforcers of one kind or another to make sure that their anti-social activities, while being backed by the dubious legality of state capture, are carried out on the ground - and this will often be against the wishes of the local people. Enforcing policies and laws that have been produced through state capture and that are in the interests of a few (and not in the interests of the population as a whole) is a place where commercial concerns and criminal organisations meet and find common ground. A major arena for this collaboration between businesses and criminals will come with the exploitation of natural resources.

In some countries in which rules and regulations are absent (Mobuto's Zaire being the most extreme example) resource extraction companies will need local gangsters to suppress the local population, and make sure that there is no opposition to the exploitation of such resources for the interests of a few. In countries where regulations have been instigated, or where international export and purchasing requires compliance with international standards (e.g. diamonds in West Africa, which has recently tightened up its systems following the exposure of "conflict diamonds") local business enterprises will need organised criminal gangs to help them with the smuggling of goods out of the country, (or their legitimate export out of the country, but with counterfeit documents). Local businesses (sometimes fronting for international companies) may be involved in extracting a country's natural resources of oil, minerals, or timber. They may also be involved in the movement of money connected to these resources in and out of the country (see box below from Guatemala). In many cases criminal gangs see opportunities to provide such services, but with "quid pro quos" that will help them with their other criminal activities – like arms smuggling, people trafficking, drugs smuggling, and money laundering.

Unscrupulous people are expanding the frontiers of corruption – they are selling a variety of services that previously were not commonly traded (like the political leadership of provinces, or utility companies), they are stealing huge amounts of

⁴⁰ "Donor Roles in face of Endemic Corruption – Albania in the policy debate", Harald Mathisen, Chr. Michelsen Institute. 2003

development aid (particularly when that aid is budgetary assistance rather than aid for specific projects or programs), and they are stitching up packages that mean corrupt payments become legitimised (e.g. retainers for parliamentarians and journalists, levies for non-existent services).

In short order (and to different degrees in different countries) the following institutions became prey to those who have seen corruption as a means to enrich themselves:

- State Assets and Privatization – large amounts of state assets have been sold off at unrealistic prices to those who could control, influence, or intimidate the privatization process. In some cases these were bought by business people who intended to make the assets productive, but in many cases they were acquired by people who were interested in stripping the assets, selling them off piecemeal, and maximising their income from such possessions. This refers to productive assets such as mines or factories, but also to utilities (electricity, water, telephones, waste collection) and services (such as banking, insurance, pensions). See adjacent box on Privatization in Kenya.

Privatization in Kenya

The institutional set up for privatization in Kenya has been weak. These weaknesses and special interests have caused great losses to the state in the sale of public assets and enterprises. Assets are often undervalued and enterprises sold way below their market value. The absence of a legal framework for privatization means that it is difficult to exercise vigilance over the process, and neither the citizens, legislature, nor the judiciary can adequately provide the oversight and checks required.

Kenya Integrity Assessment CPI-GA

- The Legislature – whereas the representative and law making institutions had previously been largely rubber stamp organisations agreeing to the instructions of the Executive (often the Party), there were now real elections and real independence in the legislature. To unscrupulous people this was seen not as the opportunity for reform, but the opportunity to carve out income streams for themselves. Parliamentarians could pass laws, in conjunction with the Executive, that would make legal the skewed and irrational use of resources, or they could demand payments from the executive not to block the passage of such laws that allowed this to happen. In some cases this was allied to decentralization so that national opportunities for parliamentarians to carve out income streams for themselves were replicated at provincial or district levels.
- The Executive - the autocratic decisions that were an accepted part of a one-party state have now become modified into using and bending the new system to institutionalize corrupt practices to benefit those in power. People in power went through the overt forms of legal and accepted decision making, but made sure that they used their political power to result in decisions beneficial to them and their allies. The Executive also controlled the police, which might be a block to some of their corrupt practices, but could also be recruited to join them, and the armed forces that might well be allies in some of the larger corruption enterprises.
- Political parties – as soon as it was clear that political parties were the key to controlling the legislature, and that the legislature was in turn key to controlling the passing of selective legislation that could ensure sustainable personal income, corrupt practices for the funding of political parties and their campaigning for office became common.

- The Judiciary – depending on the tradition in the country of independence of the judiciary, the possibilities opened up of the judiciary being bribed or threatened to make judgements that were helpful to the regime, or to avoid interfering in cases that would be unhelpful to the regime. This is separate from judges who were entrepreneurial in their own right.

Links between Government and Business

While we have been mainly looking at corruption in government, it is also important to appreciate the level of corruption in business, and in the relations between government and business. The corruption possibilities between government and business exist at the following levels:

- When governments purchase goods or services from the private sector, firms may actively bribe government officials in order to get the contract, or government officials may actively solicit bribes for the same reason. The bribery may be simply to override the inability of the firm to produce goods and services that are demonstratively better or cheaper than others, but it may also involve efforts to deflect or cancel conditions in the purchase that are onerous to the vendor – such as meeting environmental conditions, or specific requirements of inspection for health or safety factors. In such cases laws or other kinds of regulations exist, and both the firm and government official conspire to get around the law, and the losers are the public when the bridges fall down, or the school buildings collapse.
- When private firms seek to invest in a country, they may actively bribe government officials to offer them advantageous terms in respect of such factors as local taxes, compliance with local health, safety and environmental laws, monopoly or exclusive positions, the use of government security personnel to control dissent amongst workers or the local population, land grabbing, and the payment of further bribes to others. Government officials may also be the active party in soliciting bribes for the same reasons. The firm's rationale is to get the best bargain that it can - so that it can sustainably maximise the profits that it will make from the investment – and this involves trying to get all the various complicating factors ironed out in advance so that the firm can plan efficiently and effectively. Both local firms and international firms face the same range of problems that may inhibit their investments, and both have the same desire to minimise uncertainty and maximise production. Again in these cases laws usually exist, and corruption is used to get around these laws.
- Private firms also seek to influence the creation or the implementation of the same kinds of laws – such as the payment of local taxes, the observance of laws to control over-exploitation, environmental safety regulations or minimum wages. If the laws can be passed that allow the firms to do what they want, then they do not have to worry about the need to bend those laws. This is the “state capture” mentioned previously. (See the adjacent box on the USA).

Sub-standard Food in the USA

From 1987 to 1996 no legislation to tighten up the meat inspection process ever made it to the floor of either house of Congress, despite the fact that thousands of Americans die annually and millions more get sick from infected food. Why no action? Perhaps it was related to the \$ 41 million fed by the food industry to lawmakers and their parties during that time.

USA Corruption Notebook CPI-GA

A particular version of “state capture” is “state ownership” where the commercial firm in question is a State Owned Enterprise (SOE). Instead of having to please stockholders, or having to maximise profits to create greatest income for owners, a SOE has to please the government that is its owner - and if the government is corrupt, it is very likely that the income to the government will be diverted for corrupt purposes. It is rare to find a SOE that is allowed to manage its operation purely along business lines: nearly always governments interfere in order to support particular features of the business that are politically advantageous to them. In many cases SOEs were never intended to be primarily commercial businesses – they are intended to be “cash cows” that can be sustainably milked to provide income that the regime in power at the time can use for its own purposes.

- Private firms seek to buy knowledge and information that is restricted through bribing those who have access to such information. Information like the route of a planned road, the formula for an industrial process, the pricing structure of a competitor’s product, or the details of a planned law – all will provide an advantage for themselves that is not available legally. Another angle is to offer preferential treatment to selected businesses that are prepared to pay for the service – over and above the usual charges (see the adjacent example of electricity supplies from India)

Government-Business Scams in India

Early this year, the chairman of a land development agency in the state of Delhi was arrested along with a high court judge for undue favours to a construction company for a sum of \$200,000 (...). Likewise the chief electrical inspector of the State Electricity Board of the state of Punjab was caught by government inspectors taking a bribe (...). This officer had allegedly collected as much as \$600,000 in just over 2 years for such favours as ensuring uninterrupted power supply to industries.

India Corruption Notebook CPI-GA

Firms want to reduce uncertainty, they want to clarify in advance the various factors of production so that they can make their investment plans, build their plant, contract with their suppliers and with their distributors, and start to do business. Where firms think that this is best achieved by bribing those who may be able to increase uncertainty, they will do so, unless there are strong factors to stop them. These may be solid and immovable laws that are policed and cannot easily be avoided, or they may be strong popular objections that are so politically charged that governments will think twice about attempting to override them. Such popular issues may be objections to siting of factories, limits to extraction, environmental pollution, minimum wages and many others.

In the absence of clear-cut, well-maintained, and well-policed rules and regulations, the firm will always be forced to make judgement calls about how much bribery and corruption is going to be needed to reduce the uncertainties. Firms have to consider the risks – if they pay government security forces to control dissent in the workforce, are such forces actually able to do so, and at what cost? If they agree to certain private levies and secret payments to certain individuals, what happens when such people are replaced? If corrupt payments are agreed, how vulnerable is the firm if higher corrupt payments are demanded subsequently, particularly once the firm is in production and is constrained by the need to deliver against orders and contracts?

In nearly all the cases where a private firm is dealing with the government, and where the government does indeed control the factors of production, the firm is to a larger or smaller degree dependant on gate keepers at different levels of its operation. Depending on the size of the income to be realized by the firm, it may try to bribe the

top officials and persuade them to supervise and control all the gate keeping functions down to the field level, or it may simply try to bribe the particular officials that control particular aspects of gate keeping, like the police who man roadblocks and demand illegal levies.

Corruption planning and corruption management is an important feature of the way that a firm conducts its business if it is working in a situation where the laws and regulations are weak, in which corrupt practices are a regular feature of commercial life, and in which the risk of detection or prosecution (both briber and bribed) is very low.

Those speaking for the business sectors internationally frequently claim that corruption is not their preferred way of doing business, and that a tighter, cleaner environment would be welcomed by them. They are, however, beset by the problem beloved of game theorists – the Prisoners’ Dilemma. If a particular business is the only one who does not bribe, it is likely that it will lose out in an environment of bribing competitors. The only way it will be benefited is if all businesses agree not to bribe, and this is something that is very difficult to set up. Many proclaim their desire to be clean, but cannot see how to do this without negatively affecting their profits. All the official rhetoric from the side of Business (as for instance, the International Chambers of Commerce) stress that the business world would prefer less corruption, but in the absence of strong solidarity amongst business competitors (a difficult concept), we find continuing high rates of corruption. Even Singapore, renowned for its integrity within its own borders, closes its eyes when its own businesses are operating offshore⁴¹.

People often hold up the US’s Foreign Corrupt Practices Act of 1976 as an example of what can be done to control corruption by businesses⁴², and its successor legislation in the OECD, the Convention on Combating Bribery of Foreign Officials in International Business Transactions. The USFPCA forbids bribery by US owned businesses; the CBFOIBT forbids bribery by OECD country owned businesses: there are very much fewer examples of well policed legislation covering bribery in indigenous businesses.

Assessing Corruption

In tackling corruption in their countries, NGOs are well advised to familiarize themselves with the existing research on the extent and prevalent type of corruption in their own countries. It is quite likely that such research already exists. Below is an overview of key methodologies for assessing corruption that have likely already been undertaken⁴³.

⁴¹ Singapore, while very clean internally, accepts corrupt funds into its banks from all around S.E.Asia, and handles illegal buying and selling of timber from and to Indonesia, Malaysia, Thailand and China.

⁴² It is also interesting to note that the FCPA does not outlaw facilitation payments. Many US businesses (and the US government) retain “expeditors” on their employee roster. Such people are given the money to spend on “petty corruption” but it is not seen to come from the business.

⁴³ This section is based on Module 3 of UNDP’s Source Book on Accountability, Transparency and Integrity (see www.undp.org/governance)

Surveys

Some elicit citizen's perceptions and practices, others look at good governance practices that impinge on the corruption environment, and still others provide the possibility of calculating a "score" for the country's performance against those practices. Some are merely applications of market research targeted to the subject of corruption and providing information on it for the information of the citizens. In some cases they require different forms of standard market research, in other cases they require the convening of a representative group of informed citizens from a range of institutions that are aware of governance practices in different fields in order to analyze the findings of the market research.

The methods used and the results of such surveys will enable people to get a clearer idea of how corruption costs a country and its citizens dearly. They are research tools that will provide information that can be subsequently used in efforts to fight corruption. Some of the best are, moreover, action research tools in which the research is linked to actions that will follow. We will pick up on the action part of the research in the next Chapter where we discuss ways of fighting corruption. The section that follows tells us how to gain information that will describe the range and impact of corruption.

National Corruption Surveys

One common first step originally recommended by the World Bank in countries interested in combating corruption is to carry out a National Corruption Survey. This will be in the form of market research that tries to get a statistical survey of responses from various kinds of citizens about corruption (the Bank recommends Households, Businesspeople, and Civil Servants). Such surveys provide strong examples of the extent of citizen dissatisfaction with corruption, and can, for a responsive government, be a barometer of the citizens' mood and a guide for action.

The kinds of information that can be compiled by a National Corruption Survey can be not only citizen's perceptions of the level of corruption in different fields, different ministries, different areas, but also it can be specific hard data about the amounts of bribes paid by households, businesses, and civil servants in a certain time period, and to whom. The Bank has carried out a very large number of such surveys and has an "off the shelf" methodology for them.⁴⁴

Governance Assessments (1)

Annual Governance Assessments are made by the World Bank and the Regional Development Banks of the countries in which they are operating – and these will be expert based analytical studies. Frequently these will be quite extensive and will require significant resources to accomplish, as well as being tied to a particular donor or international agency's program formulation exercise e.g. World Bank's Comprehensive Development Framework or its Public Expenditure Review. These studies are also likely to provide an analytical overview of crosscutting issues like, for instance, Human Resource Management, or Management of the Regulatory Environment, beyond an assessment of the governance of particular institutions or sectors.

⁴⁴ <http://www.worldbank.org/wbi/governance/guide.htm>

The World Bank through the World Bank Institute has been doing governance assessments for many years and has a unique collection of longitudinal surveys together with very sophisticated analyses of the results of the surveys.⁴⁵ NGOs do not need to consider doing such surveys because they are available from the World Bank.

For more information on Governance Assessments see:

Governance Assessments (2)

Organisations can also create their own governance assessments tailor made to their own interests. They will all need to begin with choosing which sectors or institutions of governance to assess. This will be a strategic decision in each particular country because different institutions will be less or more important in the overall picture of good governance in the country. In one country the Courts may be the single largest impediment to good governance, in other countries the Armed Forces, or the Political Parties. Here is an example of an assessment of the Governance of the Armed Forces in Indonesia. It relies upon an expert panel that builds a list of indicators of good governance in that field, and then provides observations on what actually happens or has happened.

Example of Governance Assessment on the Armed Forces in Indonesia

Indicator of Good Governance	Observations on the Situation of these Governance Indicators and any Changes since 2000
The recruitment, appointment, and promotion of senior military staff are on the basis of merit.	Presently appointments to the higher ranks of the military are bought by prospective candidates, and the price depends on the illicit income that they estimate they will be able to make from the appointment. It is thus closely tied into the off-budget companies, foundations, and extortion rackets in which the military is involved.
Expenditures by the military are derived from the budget for the military agreed by Parliament and none other, and its budgets are transparent to the public	At present expenditure by the military is derived from a large number of military owned enterprises – businesses, foundations, and criminal activities, like smuggling and sales of weapons. Such expenditures are not reflected in any budget that is presented to the DPR, nor are they audited by the BPK. At the same time the military requests budgetary supplements from the DPR.
The Military concern them-selves with military matters, do not manage businesses, and do not carry out humanitarian aid. This is true at the national and the local level.	Since the military are involved in businesses, it follows that a considerable amount of their time is spent on non-military matters in order to manage such businesses. In many cases such businesses also involve conflicts of interest since the business has implications for peace and security or border protection e.g. illegal timber extraction and smuggling, fuel smuggling, and sales of military equipment. In areas of heavy military presence, military involvement in non-military matters, particularly criminal ones, is a cause of continuing civil strife. In other cases the military break the peace by attacking, often, the Police. Finally, in areas of civil strife where humanitarian aid is deployed by the government, it is regularly found that such

⁴⁵ www.worldbank.org/wbi/governance

	money is wholly or partly stolen by the military before it reaches its target.
There is an independent and effective complaints procedure for the citizenry against the Military, particularly accessible to women	At present there is no such complaints procedure, and in places where the military is present in strength (e.g. areas of civil disturbance like Papua and Aceh) anyone making such complaints is likely to be punished by the military for doing so. A particular problem is military treatment of women in areas of civil disturbance where rape is often employed by the army.
There is adequate communication between local authorities and local military command, and the status of both is clear and well known	The military still practices the territorial command system of a parallel military infrastructure to the civilian and political structure, and this often results in confusion of roles, and presents jurisdictional problems

Another way of carrying out a governance assessment is to start from first principles and identify citizens' views of good governance. The first step is to carry out a very participatory exercise that elicits basic citizens' views of good governance, rather than those of an expert panel. This involves selecting a representative group of citizens, perhaps skewed towards the poor and marginalized, perhaps including a preponderance of women, (depending on which sector of society you think is under-represented in policy decision making) and asking them to list for you their ideas of the principles and practice of good governance. Having got such a list you can ask, as before, for indicators and observations against the application of such indicators. This is likely to give a citizens' view of good governance that is not necessarily dominated by elite perspectives.

Check Lists

There are a variety of different organizations that have provided checklists that can be used to assess the situation of corruption in a country. One of the great advantages of these is that by using the lists of questions provided, they educate those who use them about the nature of international good governance practices. They are very useful as a tool to educate people who are unaware of good governance practices because poor governance practices have become so common. The most comprehensive is Transparency International's Source Book 2002 by Jeremy Pope

a. *Transparency International (TI) Source Book 2002*⁴⁶

The TI Source Book 2002 has a list of Indicators of Good Governance at the end of each chapter. When compiled together this acts as a comprehensive guide to good governance principles and practices. Indicators are provided for the following:

1. Legislature	2. Executive
3. Judiciary	4. Ombudsman
5. Anti-corruption Agencies	6. Public Service
7. Local Government	8. Media

⁴⁶ Available and freely downloadable from www.transparency.org

9.	Civil Society	10.	Private sector
11.	International agencies	12.	Elections
13.	Administrative Law	14.	Public service ethics
15.	Conflict of Interest	16.	Public Procurement
17.	Good financial management	18.	Access to information
19.	Citizens Voice	20.	Competition Policy
21.	Fighting corruption		

In order to understand how these indicators can also have an educational function about the range of good governance practices subsumed in a good governance principle, look at the indicators for the last of these - No.21: "Fighting Corruption". This illustrates the range of useful questions to ask in order to understand the ways by which governance is subverted.

21. Fighting Corruption <ul style="list-style-type: none"> Does the criminal law provide for the following six basic offences: <ul style="list-style-type: none"> - bribery of public servants (including judges, Members of the Legislature and Ministers)? - soliciting or the accepting of gifts by public servants? - abuse of a public position for personal advantage? - possession by a public servant of unexplained wealth (or of living beyond one's official salary)? - secret commissions made to or by an employee or agent (covering private sector corruption)? - bribes and gifts to voters? Does the criminal law adequately cover the worst types of corruption and provide a deterrent to would-be corrupt officials? If not, in what ways is it failing (distinguishing failings in actual laws as opposed to failings in the institutions responsible for their enforcement)? Are existing laws adequate to move against the illicitly acquired property of corrupt officials? Are the criminal laws being applied fairly, or selectively? Does the general public see all persons as being equal under the criminal law? Or, are some categories of officials seen as being exempt? Are some matters that are presently being dealt with as criminal matters that could be dealt with more effectively with the imposition of an administrative penalty? Is the law on corrupt payments clearly understood? Is it adequate? Is it enforced? If not, why not? Are the remedies available to private citizens and the corporate sector adequate when it comes to coping with the consequences of corruption? Are claims by family members being used as shields to protect illicitly acquired wealth from legitimate claims by the state?
<i>TI Source Book 2000</i>

For more on Transparency International's Lists of Indicators, please see: www.transparency.org - then look for Source Book 2002

b. The Center for Public Integrity – Global Integrity

The Center has pioneered a check list called Global Integrity, which is put together by a social scientist in the country concerned, and has an introductory chapter written by

a local journalist. Indicators are produced for each category, and the social scientist carrying out the research is asked how the indicator can be scored, what score would be produced, and finally to give comments. The categories they assess are⁴⁷:

I. Civil Society, Public Information and Media Civil Society organizations
1. Access to Information 2. Freedom of the Media 3. Media Restriction 4. Media Regulation
II Electoral and Political Processes
1. National Elections 2. Election Monitoring Agency 3. Political party Finances
III Branches of Government
1. Executive 2. Legislature 3. Judiciary
IV. Administration and Civil Service
1. Conditions of Employment 2. Whistle blowing measures 3. Procurement and Tendering 4. Privatization processes
V. Oversight and regulatory Mechanisms
1. National Ombudsman 2. Supreme Audit Institutions 3. Tax Collection Agency 4. Customs and Excise Agency 5. Central Bank 6. Financial Sector Regulation 7. Business Licenses and Credit
VI. Anti-Corruption mechanisms and the Rule of Law
1. Anti-corruption legislation 2. Anti-corruption Agency 3. Rule of law and Access to Justice 4. Law Enforcement

To see how this works, look at, for instance, their checklist for VI-3. “Rule of Law and Access to Justice”:

VI/3	Rule of Law and Access to Justice
94	In practice, does the criminal justice process function according to the rule of law (i.e. an established non-arbitrary code of practice)?
95	In law is there a general right of appeal?
96	Are citizens protected from detention without trial?
96a	<i>In practice the government does not detain anyone without charging them for more than 48 hours</i>
96b	<i>In practice the government does not detain anyone accused of petty theft for longer than two weeks without a resolution in a court trail</i>
97	Are individual economic rights guaranteed?

⁴⁷ Global Access was produced to the public in April 2004. The boxes scattered through this book are taken from the text portions of their report..

97a	<i>In law individual property rights are respected</i>
97b	<i>In practice individual property rights are protected</i>
97c	<i>In practice the government does not expropriate property without appropriate compensation</i>
97d	<i>In practice legal contracts are honoured</i>
VI-4	Law Enforcement
98	Is the law enforcement agency (i.e. the police) effective?
98a	<i>In practice appointments to the law enforcement agency are made according to professional criteria</i>
98b	<i>In practice the agency has a budget sufficient to carry out its mandate</i>
98c	<i>In law the agency is protected from political interference</i>
98d	<i>In practice the agency is protected from political interference</i>
99	Are law enforcement officials accountable for their actions?
99a	<i>In practice there is an independent mechanism for citizen complaints about police action</i>
99b	<i>In practice there is an agency to investigate and prosecute corruption committed by law enforcement officials</i>
99c	<i>In law, law enforcement officials are not immune from prosecution</i>
99d	<i>In practice, law enforcement officials are not immune from prosecution</i>
100	In law, can citizens access records on arrests made by law enforcement officials (i.e. name, date, charges against an individual)?

For more on The Centre for Public Integrity, please see www.publicintegrity.org

For each country of the 25 researched, there is:

- A Corruption Timeline
- A Corruption Notebook (written by a local investigative journalist)
- An Integrity Assessment (written by a local social scientist)
- A Score (written by the social scientist)

together with comments from independent observers and analysts.

This is the source of the information that is displayed throughout this book in the boxes.

c. Transparency International - Country Integrity Studies

Transparency International (TI) has produced (to date) 18 Country Integrity Studies which act as audits of the corruption situation in a country. These are usually produced by the TI Chapters in the country concerned. These studies are being expanded to take in more countries, and the up to date list can be seen on their website. They ask questions about the following areas:

Executive	Legislature
Elections/ Political Party Funding	Supreme Audit Institution
Judiciary	Civil Service
Police and Prosecutors	Public procurement
Ombudsman	Investigative/Watchdog Agencies
Media	Civil Society
Regional and Local Government	Progress with government strategy
Donor anti-corruption activities	

This formal framework is followed by an assessment of what actually happens in practice, highlighting deficiencies in the formal framework itself, or in its implementation.

Examples of the questions they ask in the (for example) section on Investigative or Watchdog Agencies are:

1. Are there investigative or watchdog agencies?
2. If yes, what are their main responsibilities?
3. If yes, is it independent?
4. Are appointments required to be based on merit?
5. Are the appointees protected from removal without relevant justification?
6. Are their reports published?
7. Do they report publicly to the legislature on the general scope of their work?
8. Can people complain to the agency without fear of recrimination?

For more on Transparency International - Country Integrity Studies please see www.transparency.org

d. CONTACT

Country Assessment in Accountability and Transparency (or CONTACT) is a methodology that has been developed by the UNDP Bureau for Development Policy together with the United Nations Department for Economic and Social Affairs (UNDESA) to provide the international development community with a comprehensive tool to assess the financial architecture and integrity systems of a country. After 4 chapters providing an introduction and the conceptual framework of accountability, transparency and integrity, of the accounting infrastructure and of information management, each subsequent technical chapter has a checklist. These chapters are:

Chapters

5. Expenditure Planning and Budgeting
6. Internal Controls and Internal Auditing
7. Financial Reporting
8. External Auditing
9. Revenue Administration
10. Debt management
11. Project and Foreign Aid management
12. Procurement and Assets Management
13. Improving integrity to prevent and control corruption
14. Public Sector Cash Management

There are 100 very comprehensive questions that a country can ask itself about the adequacy of accountability systems and/or particular anti-corruption initiatives in the country, and to determine the political will for anti-corruption reform. Here, for instance, are two parts of their check list Chapter 13: Improving Integrity to Prevent and Control Corruption:

Political Will: Authorities Commitment to Fighting Corruption?

8. How much money has been allocated (i.e. compared with the annual budget of the administration concerned)?
9. What resources have been made available e.g. human, technical and financial? How were these resources raised? (internally and/or externally)
10. Describe the process undertaken by the authorities to seek or to obtain foreign technical assistance? Was the whole process transparent?
11. What was the degree of analytical rigour used to understand the context? and the causes of corruption? Have independent research, surveys, or consultations been conducted?
12. Has the process to develop the anti-corruption program been participative, for example - does it incorporate and mobilize the interests of the different stakeholders?
13. How convincing are the motivations to curb corruption, for example as it relates to funding and/or political support provided by the authorities?
14. Does the strategy balance the control and prevention of corruption well?

Specific Institutional Bodies to Fight Corruption

77. Are these institutional bodies independent (e.g. appointments, budgetary allocation, professional qualifications of staff)
78. Ombudsman's office – is there an Ombudsman who can receive, follow up on, and investigate complaints about civil servants?
79. Public prosecutors office – is there a public prosecutor who can prosecute these cases?
78. Independent Commission against Corruption – is there a special body that has specific responsibility to fight corruption? Does this body address issues of prevention, investigation, education, and awareness? Is this institution responsible for monitoring integrity efforts underway and making sure that institutional/legislative measures are carried out?
79. Hotline – is there an independent and highly visible body for receiving complaints about corruption? How are reports from ordinary citizens communicated to administrative or investigative authorities with sufficient independence to initiate corrective action or impose accountability for management failure? Does the system reward/protect whistle blowers?
80. Ethics Office – to set and oversee standards, administer assets declaration requirements, provide ethics advice and opinions, and monitor codes of conduct.

For more on CONTACT see:

http://www.undp.org/governance/docs/AC_guides_contact.htm

Journalistic pieces

Journalists are often very well informed about poor governance practices and corruption, and have often written articles on them. The missing factor in their work is that it is impressionistic and, indeed, “journalistic” without necessarily a developmental aim or very much attention to analysis. If such material exists then NGOs can happily use it - it is also quite possible to commission a series of journalistic pieces that together can be collated into a series of real life case studies to act as a counterpoint to more academic research pieces. In Indonesia, for instance, a number of real life case studies were commissioned by journalists to show how corruption had affected

poor people. Called “The Poor Speak Out”⁴⁸ it recounted the real stories of people impoverished by corruption in the school system, labour recruitment offices, petty city officials, electricity companies, land authorities, local village administration, food distribution, police, and the army. It then analyzed the effects of such corruption not only on the people who lost out, and on society at large as the proliferation of such corruption eroded the social capital of the country.

A good example to consider is the Philippine Center for Investigative Journalism’s (PCIJ) publication, “Pork and Other Perks: Corruption and Governance in the Philippines”, 1998. PCIJ was the organization that did the research that exposed Estrada’s corruption in the Philippines and eventually led to his dismissal. For more on PCIJ see www.pcij.com.

Citizen’s Report Cards

If you have read all the existing material produced by outside agencies, think tanks and other analysts, you may be very interested in the methodology produced by an NGO, and taken up by the World Bank. This methodology has been designed by the Public Affairs Centre (PAC) in Bangalore, India⁴⁹ and implemented in many cities of India as well as Vietnam, Philippines and Bangladesh. It is mainly designed to get citizens’ reports on what they as consumers of government services (and thus the experts on the subject) have to say about the quality of such services. Since corruption is often one of the issues that citizens are concerned about, Citizen’s Report Cards can be a very useful way of getting data on the extent of citizen’s involvement with corrupt practices.

The way it works is that issues about public service provision are identified by focus group discussions with citizens (particularly in poor areas) who are asked to talk about the features of public service that are important in their lives and of which they have personal experience. These are frequently government or city services, like schools, hospitals, water supplies, rubbish collection, electricity etc.

A scientific independent agency (often a market research agency) then draws up a questionnaire on the basis of these issues and applies it to a scientifically selected population sample of the area to be investigated, with a separate sample for the poor. The survey questionnaire gets feedback from actual users of the services regarding the availability of the service, the satisfaction with the service, the responsiveness of the service provider, the hidden costs involved in getting the service, the citizens’ willingness to pay, and the quality of life affected by the service.

Why Report Cards?

- Generates user feedback on public services
- Provides opportunities to citizens/groups to demand more accessibility, responsiveness and accountability from service providers
- Encourages service providers to introduce citizen friendly practices
- Creates an environment to facilitate demand mobilization – awareness creation, issues on exclusion and vulnerability, “rights based” strategies

*Public Affairs Centre, Bangalore
“Report Cards and Advocacy”*

⁴⁸ “The Poor Speak Out – 17 stories about Corruption” ed. Ratih Hardjono and Stefanie Teggemann. Downloadable from <http://www.kemitraan.or.id/publications.php>

⁴⁹ www.pacindia.org

Once the survey has been completed and the results tabulated, the PAC informs the service agencies concerned (e.g. Ministry of Health, Water Corporation, and Municipality) of the results of the survey, informs the media, and informs the citizens through their community organizations. Using the survey results as its instrument, it mobilizes dialogue between the different service agencies (especially encouraging competition and resultant embarrassment between different agencies as they are seen to get higher or lower scores from the citizens report cards), and dialogue between them and the people – who are the users of such services.

Their slogan is “Counting, not Shouting” and they emphasize that the citizen’s report card methodology is more effective than political demonstrations in getting improvements in government services.

Example of a Report Card on Bribes

BRIBES PAID			
Agency	% of people who paid bribes	Average amount of bribes paid	% of times bribes were demanded
Power Company	9	1563	75
Water Board	11	561	88
Driving Licence	57	637	94
Urban Authority	40	1643	94
Police	18	2603	89

The survey puts information in the hands of the people (and those NGOs that work with the people). This provides them with a power they never had before, and a credible quantitative estimate of the extent of corruption. This then, can become the basis for advocacy on the issues revealed by the report cards.

For more on Citizens Report Cards, please see:

PAC, Bangalore, India (www.pacindia.org) as well as www.pacindia.org/default.asp?ChannelID=25

Chapter 4

Kinds of Anti-Corruption Activities

Chapter 4 examines the range of possible anti-corruption activities - looking at a variety of approaches and their conceptual bases. It covers a variety of strategies – particularly focussing on those involving citizens. It points out the very great importance of identifying “clean” people to be your allies, and emphasises that the choice of strategies must be informed by local realities (attitudes, history, governance systems, and power structures). It shows that there is no easy answer to corruption, and certainly that no “one size” fits all situations. NGOs need to work pragmatically within local realities.

Kinds of Anti-Corruption Activities

Although there is now general consensus that there is no all-encompassing approach to fighting corruption, it is educational to look at a variety of approaches that have been advanced, and the thinking behind them, and for NGOs to think which one (or ones) fit their comparative advantages. Each one of them may be more relevant in one place than another, and an understanding of all of them may suggest the “cocktail” that can be mixed to respond to the particular circumstances of each country.

The “Criminal Control” approach

In this perspective, corruption is understood in relatively simple terms of bribery: public officials, politicians, and members of the private sector are viewed as potential seekers of corrupt opportunities, and anti-corruption policy consists of establishing clear and unambiguous criminal law provisions against bribery, and making sure that the policing and prosecuting authorities in the country do their job of enforcing the effective criminal law provisions. This in effect produces heavy negative incentives for corrupt behaviour, particularly limiting previous practices of impunity.

This approach recognizes that corruption in part occurs because the laws are not clear, or are not well understood by the public (or more particularly by public officials and private sector officials). This approach has confidence that the law enforcing machinery (police, prosecutors, attorney general, judiciary) is competent and effective, but that these institutions need clearer and more precise instruments with which to work.

This approach underpins most international anti-corruption instruments such as the Council of Europe or OECD anti-corruption conventions. The most important part of these conventions mandate signatory countries to incorporate various kinds of anti-bribery provisions into their criminal codes, and helps them with models of appropriate laws.

New and/or more precise laws on aspects of bribery that previously had not been addressed are obviously useful. Examples could be bribery

New Anti-Corruption Laws in South Africa

The scourge prompted legislators to draft a sweeping new bill, the Prevention and Combating of Corrupt Activities Act, that seeks to hold accountable both the bribe givers and takers. Other initiatives in 2003 included the creation of a national database of corrupt businesses banned from doing business with the government, plans for the blacklisting of corrupt civil servants, and moves to strengthen South Africa’s asset-forfeiture laws for confiscating the proceeds of crime.

South Africa Corruption Notebook CPI-GA

of foreign officials outside of the home countries jurisdiction, or laws that allow reverse evidence to be accepted (i.e. that a government official with assets or income seemingly beyond his/her income is guilty until proven innocent, rather than the reverse). This approach can certainly add to the instruments the police have at their disposal to catch those guilty of corrupt practices. In the box above is an example of the use of this approach in South Africa.

The “Criminal Control” approach, however, assumes, as we have said above, that (a) sufficient laws do not exist, and (b) that the law enforcement machinery is effective and efficient as far as it is allowed to be by its existing laws. In many countries these assumptions are simply specious: laws against bribery exist, but the problem is that they are ignored: the law enforcement machinery is, in theory, quite capable of applying the existing laws, but they choose not to do so. They are either bought off by those who they would otherwise prosecute or they respond to political pressure not to pursue cases that would be politically embarrassing for the government.

Where the “criminal control” approach is valuable, however, is when there is a new burst of political will (as often happens with a new government coming into power on an anti-corruption platform) that says that existing laws will now be enforced, as opposed to ignored previously, and reminds citizens what these laws are. The new country of East Timor, for instance, confronted some surprised Indonesian traders in 2002 who were used to the endemic bribery of officials when East Timor was still part of Indonesia, by arresting them for offering bribes. The laws were the same as those they inherited from Indonesia, but East Timor began to apply them.

We are not only talking about new laws, but also about internal rules and regulations or policies of public or private bodies. Banks, for instance, have their own regulations about the application of professional banking principles. They might well have ignored such principles with loans being made to those who paid enough to receive the loans or in response to instructions from political masters. If a reformist minister or government, perhaps in response to a particularly egregious scandal, decided to clean up the banking sector, then their practices would suddenly assume a high profile and be watched more closely.

There is also the possibility of “new brooms” being appointed to take up important positions in the police, the prosecutors, or the judiciary – both at the national level, or, in the countries which have decentralized authorities, at local levels. Police who took bribes, or never investigated when others took bribes, for instance, and who had become used to this as part of the local social and economic environment, may suddenly find themselves confronted with what seem to them to be a new set of rules to enforce, but that are, most often, existing rules that were never enforced.

The “Small Government” approach

This approach assumes that too much government – i.e. any government that has the power to involve itself in a very large number of aspects of a citizen’s social, economic and political life – is the problem. It is based on the easily observable phenomenon that wherever government is given the power to control elements of a citizen’s life, certain individuals will use their position as gatekeepers for that particular element and proceed to extract bribes in order to do the job over which the government has given them control. This may be reflected in petty corruption where a government

functionary demands a bribe for a licence that is needed to open a business, for instance, - right through to State Owned Enterprises where the government runs an operation not on commercial terms or as a public service, but as a corrupt income source for a particular part of government – usually a political party.

A lot of the proponents of the “small government” approach see government as a repository of inefficiency and sloth, secretive and monopolistic, providing many opportunities of corruption, and contrast this with a market based or private enterprise based approach in which market mechanisms together with greater transparency will help to ensure efficiency and eliminate corruption. They see that, for instance, a competitive group of telephone companies will offer the customer a better service, since if one company official asks for bribes, the customer can easily take his/her custom. They see that self-certification and self-licensing organised by elected members of a particular profession or trade, are much more likely to be clean and efficient than the same service offered by a monopolistic government bureaucracy.

They claim, with some justification, that as long as negotiations are carried out in private between citizens and government officials, the opportunities for corruption will greatly increase. But if those discretionary powers of government officials are removed, by, for instance, making the awarding of licenses an automatic procedure, and the costs publicly posted, then the opportunities for government officials to instigate corrupt practices will be removed. A famous example of this is the Municipality of Seoul, South Korea where the Mayor has insisted that all transactions between the citizens and the municipality are posted on an open Internet website. Applications for, for instance, building licenses are processed automatically, and any body, at any time can see when the application was requested, when it was granted, and the time it took. This, together with the public announcement of the costs of all transactions with the municipality, has removed the discretionary powers of government officials and has reduced corruption considerably.

In quite a few cases the free market enthusiasts have assumed that handing over what were previously government tasks to private companies would necessarily result in greater efficiency and less corruption. Thus registration processes could be outsourced to private companies, the management of customs and excise could be outsourced to private and professional companies, the management of government assets and equipment be handled by private business. Experience has proved that the relationship between the private sector, the state and the levels of corruption is not necessarily straightforward. Whereas previously a citizen had to bribe a state official, that citizen now has to bribe a private sector official. In theory a citizen could take his business elsewhere to a competing firm, but the reality often has been that there are no competing firms and that a government monopoly is transferred into a private monopoly. Susan Rice-Ackerman points out that in general:

Although eliminating corruption prone programs can limit the incentives for pay-offs, a general program to shrink the size of government will not necessarily reduce corruption....scarcity produces corrupt incentives, and....reductions in government spending can produce scarcity when spending programs are cut or when regulatory budgets fall with no change in the underlying statutes

She also points out that removing entry barriers in an industry may create new forms of corruption as firms bribe authorities to harass their competitors⁵⁰

“Incentive Based” Approaches

These arguments come from the analytical tools for investigating corruption and programming devised by Robert Klitgaard of the Rand Institute⁵¹. This tool is the basis for the theory of “incentives”, “agents”, and the formula “C=M+D-A”.

Klitgaard suggests that corruption is:

first and foremost about incentives. (...) Corruption is a crime of calculation, not of passion. People will tend to engage in corruption when the risks are low, the penalties mild and the rewards great.

He has formulated this into his memorable formula:

$$C \text{ (Corruption)} = M \text{ (Monopoly)} + D \text{ (Discretion)} - A \text{ (Accountability)}$$

which means that

If someone has monopoly power over a good or service and has the discretion to decide whether someone gets that good or service or how much a person receives, and there is no accountability whereby others can see what that person is deciding, then we will tend to find corruption.

This is a very insightful analytical tool for anti-corruption programming, but is noticeable for the absence of “integrity” from the equation. Robert Klitgaard, with respect to integrity, is unrepentant - he goes on to say:

A strategy against corruption, therefore, should not begin or end with fulmination about ethics or the need for a new set of attitudes. Instead it should cold-bloodedly look for ways to reduce monopoly power, limit and clarify discretion, and increase transparency, all the while taking account of the costs, both direct and indirect, of these ways.

Many others would say that fighting corruption requires a change in mind-set of the population and a general commitment towards a cleaner way of living and working. Klitgaard is much more mechanistic. If the situation can be changed such that there is less monopoly, less discretion, and greater public accountability, then the person considering potential corrupt practices will calculate that the chances of getting caught (and if caught, punished) are too high, and will refrain, whether they have been convinced of the ethical value of integrity or not. The most successful countries at overcoming corruption (Singapore and Hong Kong) it has to be said have included ethical education for children as part of their approach.

⁵⁰ S. Rose-Ackerman, Corruption and Government: causes, consequences and reforms, Cambridge University press, 1999

⁵¹ Notably in his book “Corrupt Cities – a practical guide to cure and prevention” Robert Klitgaard, Ronald Maclean-Abaroa, H. Lindsey Parris, World Bank 2000

The “Political Economy” Approach

This approach tries to identify the places where bad governance practices allow the possibilities of corruption to gain a foothold, and where this foothold could be loosened if better governance practices were put in place. The approach looks at what is being done wrong that allows corruption to flourish, and seeks to reform those specific points. An example would be to examine the whole system of recruiting, evaluating and promoting government staff, or the examination of other systems such as procurement, budget construction and review, pay reform, conflict of interest provisions and other vulnerable areas.

If government officials take bribes in order to earn money to offset the illegal payments they made to buy the job in the first place, then what needs to be reformed is the government staff recruitment system. Individuals are caught in a system that promotes corruption, and punishing those who are caught is not going to change the system. If contracts for government infrastructure programs are always high because contractors have to pay 10% of the cost of the contract to officials in charge of the procurement process, then the reform of the procurement process is the place to start, not the punishing of individual firms for having paid such bribes. If the government income from taxes is not increasing parallel to the increase in the number of taxpayers, then the chances are that tax inspectors are taking bribes to reduce tax liabilities of individuals, and that is the place where reform is needed. The box above shows how there was systematic reform of procurement in Nigeria.

Improvements in Procurement in Nigeria

Since 1999, the Obasanjo administration has made progress in reducing the most blatant forms of corruption in government procurement through the use of an in-house contract evaluation to ensure value for money. Recent guidelines have clarified tendering procedures and mobilization fees, defined bid security, and provided for an audit process.

Nigeria Integrity Assessment CPI-GA

The “Political Economy” approach tries to identify the basic causes or reasons for corrupt practices both being in existence and continuing to be sustained. It does not have any generic answers, but probes into the actual reasons on a case-by-case basis. A pro-active way to achieve the same results would be to ask people experienced in the ways of corruption in a particular country to examine any new bill, policy, or regulation being proposed to ascertain in what ways they think it is liable to be perverted or changed by corrupt practices.

Such an approach looks beyond easy answers: it is often said that government officials are poorly paid, and that this is a root cause for corruption. In fact, pay increases rarely bring a reduction in corruption. It may be that people first engaged in corrupt practices to augment poor salaries, but what causes people to continue corrupt practices is a clear calculation that they are unlikely to be caught or prosecuted, that many others are on the take as well, and thus the small risk of detection is worth the likely gain.

“Integrity Based” Approaches

At the end of the scale from Klitgaard (who proposes all attention should be given to the structure of incentives) are those who advocate that attention should be paid above all to integrity. They suggest that it is more efficient to prevent corruption through encouraging a change of attitude – building a structure of norms in which

officials think of themselves as people who should not be involved in corruption. This often involves the parallel strategy of building a public service culture in which public officials are rewarded for being of service to the public, and in which codes of ethics are promoted and accepted. Many citizens are cynical that such an approach can work, and so another linked approach is to identify “Islands of Integrity” i.e. places where government departments, or local government units, or private businesses both have and display a high level of integrity - and also do their job well. Such places can be promoted and exemplified to prove to others that removing corruption is not a fantasy, but can be seen to work in a real world environment.

Indonesia has recently set up the Bung Hatta Anti-Corruption Award,⁵² which is an annual prize for those exhibiting clean behaviour and fighting corruption. The recipient in 2004 was the Regent of Solok Administration in Sumatra who showed that a local district can be administered efficiently without the corruption exhibited by its neighbours. He has been extolled as an example of what can be done even in corruption infested Indonesia.

Lee Kuan Yew of Singapore has said, “The strongest deterrent is public opinion which censures and condemns corrupt persons”. Most people advocating an integrity based approach to fighting corruption advocate spending considerable effort on moral education, involving, as in Hong Kong, considerable education of youth, and a “shaming” culture in which corrupt people will be publicly denounced, and pressured by community norms to change their behaviour. Mexico has also tried this approach – see adjacent box.

In essence an integrity based approach identifies and publicizes what are the principles and practices of good governance, and tries to encourage people to use them, and encourages others to keep watching out to make sure they use them. Often these principles and practices have to be spelt out because they have long been forgotten. In the words of the UNDP’s CONTACT:

Encouraging the Public to join the fight in Mexico

The Fox administration’s strategy against corruption has three goals: prevention, prosecution, and encouraging the public to join in the fight. A campaign directed at changing attitudes and building consciousness about transparency and integrity has included all areas of government and public organisations. This has included ethics courses for civil servants, brochures on integrity in business, conduct codes for teaching in universities and educational institutions, media ads pointing out corrupt habits, and a web site for children.

Mexico Corruption Notebook CPI-GA

Integrity relates to the issue of morals and trust in the performance and reporting on delegated/assigned duties or functions. Accountability relates to the exercise of performance of the delegated function, and reporting thereon. It is the obligation and/or responsibility of anyone handling resources, public office or any position of trust to perform the function with integrity, and report faithfully on the intended and actual use of the resources or exercise of the designated office. Transparency relates to openness in the process and procedures in performing and reporting on the designated function. To be transparent, the processes and procedures must be clear, easily understood, and implemented without guile and concealment.

A specific form of an integrity based approach to fighting corruption is what has come to be known as the “Integrity Pact” whereby an NGO can act as a catalyst in procurement matters to persuade all stakeholders to hold to ethical standards, and not

⁵² Hatta was the Vice President of Indonesia under Soeharto in the 50s, and 60s, and was famous for remarking that Indonesia “has a culture of corruption”

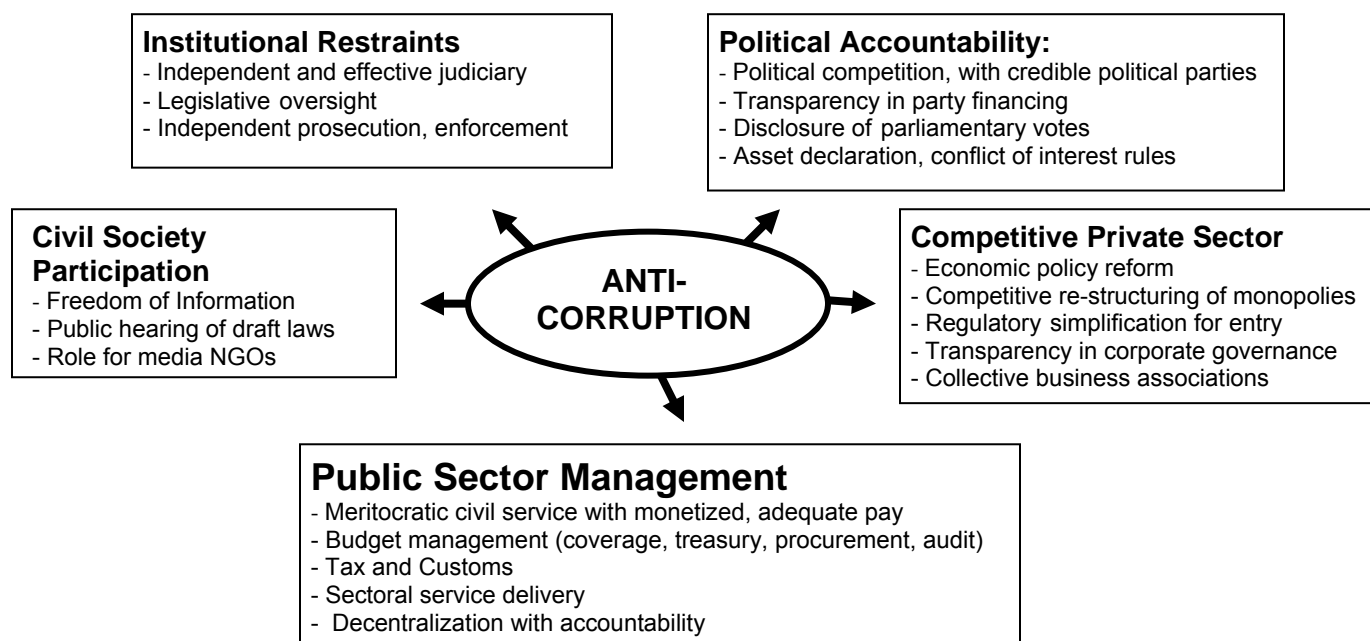
give or accept bribes. Case Study 6 in Chapter 9 “Poder Ciudadano” in Argentina provides a good example. In the town of Moron, near Buenos Aires, procurement for a large waste management contract was managed under an Integrity Pact supervised by Poder Ciudadano.

There was a voluntary but formal commitment by the bidders not to bribe or collude, to make full disclosure of all payments, and to report any violations by other bidders during the bidding or during contract execution.

In the huge body of evidence of corrupt practices, it is worthwhile to consider a positive and pro-active approach that tries to instil good practices based on a consensus of the value of good behaviour, rather than relying on the law.

The Need for a Variety of Strategies

Increasingly, there is recognition that the fight against corruption must incorporate elements of all of these approaches. This is reflected in the World Bank’s Multi-Pronged Strategy⁵³ (illustrated below) which was announced in 1999. It incorporates the thinking of the World Bank about the strategies that need to be used to defeat corruption based on their experience in Eastern Europe.



By 2001 the World Bank was realizing that there was no one set of responses to corruption within the ex-Soviet Union countries, even the package of strategies illustrated above. After a considerable period of time, they realized that responses needed to be tailored to the characteristics of each country. They, and others involved in pushing for anti-corruption measures, appreciated that:

⁵³ Originally in “Anti-corruption in Transition – a contribution to the policy debate” by the World Bank, 1999, but reprinted many times elsewhere

- Responses have to be tailored to the history, structure of incentives and ethics of each country
- Responses have to fit the governance system that exists in a country
- Responses have to deal with the existing politics and power structure⁵⁴

They also realized (very belatedly) that governments that seem good candidates for reform because of their anti-corruption rhetoric, may well be hypocritical, and only really interested in preserving (or enlarging) the existing space for corruption while sheltering behind donor language of good governance.

USAID's Handbook for Fighting Corruption again puts this clearly:

Independent of opportunities, costs, and professional incentives within government institutions, general attitudes towards formal political processes influence corruption levels. A number of factors can pre-dispose groups or societies to disregard formal rules. In many cultures, particularly in the context of poverty or conflict, allegiance to personal loyalties such as one's family or ethnic, religious or socio-economic identity outweighs allegiance to objective rules. Patronage systems, in fact, represent a common means of securing advantage through personal rather than formalized channels. In other cases the low legitimacy of government (because it is repressive, ineffective, discordant with culture, or imposed by foreign rule) induces disregard for formal rules. Similarly dominance of a political party or ruling elite over political and economic processes, or exclusion of marginalized or poorly organized groups from the same, creates incentives for those disadvantaged by the system to operate outside it.

These efforts at reform will need to reflect the history, structure of incentives, ethical systems, governance traditions, existing politics and distribution of power in each country. There is no "one size fits all" response to corruption: responses have to be geared to the realities of each different country – and the active players may well vary from country to country.

The Anti-Corruption Players

This recent thinking in fighting corruption recognizes the need for a variety of players, including the government, the private sector, a free media, and civil society. Let us examine the potential role of each. Let us also, however, be aware that we do not have the magic formula. Sheila Corandel of the Philippines Centre for Investigative Journalism points out that the prescriptions do not necessarily affect the cures – at least in the Philippines (see adjacent box)

The Role of Government

The government/state inevitably has a major role to play in the fight against corruption, as much of the work involves improving laws and regulations and their effective enforcement. If we break government down into its component parts, however, we can see the different roles more clearly:

The Conventional Wisdom and the Philippines

The contradictions that abound in the Philippines stump reformers. The prescriptions against corruption that have worked elsewhere – transparency, civil society participation, a watchdog press – are all present in the Philippines, but seem to have made little dent. Corruption is widely acknowledged to be widespread, tainting all branches of the government, from the police and armed forces to congress, the courts and the agencies that deliver basic services to citizens

*The Philippines Corruption Notebook
CPI-GA*

⁵⁴ Adapted from a World Bank presentation on evolving strategies for fighting corruption by Joel Hellman in the World Bank, Jakarta, 2001.

Legislation/Regulation: Laws can effectively guard against corruption provided they are effectively enforced. Specific anti-corruption laws are important, but all levels of legislation and regulation need to be scrutinized for their effectiveness in preventing corruption by closing loopholes and gaps that permit corruption to take place. It is possible to make lists of the legislation/regulation that needs to be in place, and to flag legislation that is particularly vulnerable to corruption, e.g. budget rules, public procurement, licensing, banking, etc.

Enforcement: In countries with extensive corrupt practices it is quite possible to find good laws, including anti-corruption laws. In such cases the problems do not lie with the laws, but with the readiness of the law enforcing authorities to administer the laws properly. Good procedures and checks and balances can, however, make sure that fewer people escape the laws intended to catch them. Again CONTACT puts it clearly⁵⁵ – the serious government will:

- *Establish independent investigators, prosecutors and adjudicators in such a manner that they can perform their professional duties in an independent fashion and enforce the rule of law against all who breach it.*
- *Provide adequate powers of investigation and prosecution, consistent with international human rights norms, including access to all government documentation, international mutual legal assistance arrangements with relevant countries, and re-examine the laws of evidence and the penalties for corruption to determine if they are relevant to modern realities.*
- *Integrate transparent mechanisms, which eliminate any immunity, which high public officials enjoy by reason of their office, into the reform of enforcement measures*
- *Propose powerful disincentives for the would-be corrupt, such as civil penalties, blacklisting of corrupt firms, extradition arrangements or other legal provisions that enable the profits of the corrupt to be seized and forfeited, inside or outside the country.*

Robert Klitgaard, in a recent presentation to the Hague Conference against Corruption in 2002, suggested that the time had come not for measures to control corruption, but for active measures to subvert corruption (the title of his article) and suggested that keen governments should operate against corruption in the same way that they operate against narcotics gangs, with the full range of dirty tricks open to them, such as stings, and agents provocateur, and the seizure of corruptly stolen assets. He would like to see more people exposing corruption by hidden cameras such as the famous group in India who posed as arms salesmen and caught on camera State Ministers scooping up large bundles of banknotes in bribes (see adjacent box). The sequel to that dramatic sting is, however, salutary (see adjacent box). Those “stung” often fight back after allowing time for

A Sting and its Aftermath in India

March 2001: An Indian news Website, Tehelka.com, releases a secretly filmed documentary apparently showing 31 politicians, bureaucrats and army officials allegedly receiving bribes from undercover journalists posing as arms dealers. The scandal rocks the government and leads to the resignation of Defense Minister George Fernandes, the leaders of the Samata party, and the ruling BJP Party, and suspension of 4 defense ministry officials. However, Fernandes is re-instated within months, and the CBI never files any charges in the incident. Tehelka.com is forced to suspend its operations in Oct 2002 due to lack of funding after its chief investor, a brokerage firm named First Global withdraws all of its Indian operations as a result of being served with over 200 summonses by the government.

India Corruption Timeline CPI-GA

⁵⁵ See the entry under CONTACT in Chapter 3

the scandal to die down.

Anti-corruption Bodies: Independent anti-corruption bodies have recently received a great deal of attention as a “magic bullet” to fight corruption. Some examples of such agencies have indeed shown remarkable results, the most famous being the Hong Kong Anti-Corruption Commission, which was established in the aftermath of a huge police scandal, was set up to report only to the Governor, and remarkably reduced corruption in the then Crown Colony. The record of Anti-Corruption Commissions elsewhere, however, is far more mixed. Often, the creation of Anti-Corruption Commissions is a favorite tactic for a corrupt government that wants to appear to be committed to fight corruption. Sometimes they are simply not effective because they lack the necessary powers and resources to get the job done, or have been set up under a defective law.

In theory such an institution should not be necessary since if the laws are there, and if the police and prosecution authorities are doing their job, corrupt people will be caught and tried. Many national leaders, who are pessimistic that the existing authorities will do their job properly, look with hope to a special body (or bodies) with a specialized focus on anti-corruption, or a focus on areas in which corruption is likely to flourish.

If a specialized anti-corruption body is contemplated, the *sine qua non* of such bodies is that they must have (a) the legal authority to operate and to arrest anyone, (b) the necessary budget (c) the independence from existing government machinery, and (d) leadership known to be of the highest integrity. If they have all those, they have a chance of being effective, but it is common for corrupt national leaders to institute such bodies with limiting “achilles’ heels”, such as making them subordinate to the office of the president, equipping them with legal provisions that are full of holes, keeping them short of operating funds, or allowing them to be ignored with impunity.

CONTACT⁵⁶ suggests other ways of achieving the same results without the need to set up a new institution:

- *Strengthening such oversight institutions as the office of the Auditor General and the Office of the Ombudsman. The office holders must be appointed in a way that ensures the independence and professionalism of each office, reports stemming from such offices must be given widespread publicity, and the government must act to implement recommendations.*
- *Establishing an Office of the Contractor General, which would provide independent oversight of government contracting and performance*
- *Establishing an Elections Commission to ensure independent and impartial review of the electoral process that does not favour any political party or group. The Commission would require transparency in all aspects of the elections system (except of course the casting of individual ballots) foster public participation in the monitoring process to build confidence, and provide for training political party officials to ensure their familiarity with the system and enable them to monitor it professionally*
- *Strengthening legislative mechanisms for accountability - particularly a Public Accounts Committee in Parliament that is required to ensure public access to oversight proceedings*

⁵⁶ Again, see the reference to Contact in Chapter 3

The Role of the Private Sector:

Most people who work in the field of anti-corruption are more familiar with corruption in the government field than they are in the private sector. Before looking at common anti-corruption strategies in the private sector, it is useful to give an overview of the kinds of corruption that are common in the private sector. The following list comes from Transparency International's 2000 Source Book by Jeremy Pope:

Procurement: bribery of purchasing agents for private sector projects

Distributorships, licences and franchises

Retail display space

Proprietary technical and commercial data

Financial industry: bribery of bank officials to obtain loans or better interest rates

Scrap disposal – a common area for bribery, often involving organised crime.

Sports – the whole range of rigging of the results of matches in particular

Jeremy Pope goes on to make the following observation about the impact of corruption in the private sector:

Internal concealment of bribes can lead to false accounting, false tax declarations, and kickbacks to company staff. Furthermore, one of the main principles of competitive tendering is that contracts should be won by those companies offering the best combination of price and quality, with other factors such as financing or delivery or financing terms sometimes being taken into consideration. Corruption is an unacceptable factor that destroys such free and fair competition. It is also the case that corruption in the market place retards private sector development. New players are effectively excluded, and inefficiencies are rewarded, rather than redressed.

While some business people relish the high profits that can come from the wheeling and dealing that is associated with business bribery and corruption, there has grown up a realization that business would be much better off, for itself, and for the customers, if they could control corruption in their ranks. Businesses like clear business information on the basis of which they can plan investments and business strategies – and this is vitiated if they depend on unstable and volatile relationships with people in the tax office, the customs sheds, the inspections office, and the host of government offices that claim to have a role in regulating the private sector's existence.

They are however, stuck in the classic "prisoners dilemma" of game theory mentioned in the previous chapter. Many firms would like to stop bribery, and talk about pacts with their competitors to do so, but realize that they will be at a considerable disadvantage if any one of the members of the pact breaks the rules. They can only win if everyone agrees to the same game plan. There has therefore been considerable activity amongst national and international chambers of commerce as well as professional associations to try and develop codes of conduct that can be maintained, with the threat of expulsion from the club for those who are found out. There has also been international pressure that such codes of conduct develop into national and international law. The USA Foreign Corrupt Practices Act was passed by the Carter Administration in 1976 and was ground breaking legislation that responded domestically to the excesses of the Nixon years. In this legislation bribing a person in a foreign country is a crime in the home country of the briber. Only in 1999 did the

OECD pass similar legislation in the convention on combating bribery of foreign public officials in International Business Transactions.

Apart from passing new legislation that tightens laws on fraud and false representation, most private sector efforts have been directed at Codes of Conduct of one kind or another. One of the most far-reaching is the Business Principles for Combating Bribery produced by Transparency International and Social Accountability International in 2003 with a very impressive list of Steering Committee members like Rio Tinto plc, Shell International, Tata Sons Limited, General Electric, and the Trade Union Advisory Committee to the OECD. These principles cover bribes, political contributions, charitable contributions and sponsorships, facilitation payments, gifts/hospitality and expenses.

Jeremy Pope brings us down to earth from such high-flown aspirations. Using information from a British 1999 study of “Ethical Concerns and Reputation Risk Management” by Arthur Andersen and the London Business School, he quotes information about the lack of management systems to actually implement codes that have been designed:

- *In 20% of the companies surveyed, the codes were not made available to all employees*
- *In 65% of the companies, codes were developed by legal/compliance and corporate secretariats*
- *In only 43% of the companies were human resource personnel involved in developing the codes*

The inference here is that companies go ahead and develop such codes but do not work very hard to make sure that their employees know about them and “live up to” them.

To sum up, the private sector does most of its work to combat corruption through business associations at various levels and they involve:

- *Organizing to present a common front for reform issues*
- *Informing members or clients about new rules, such as anti-bribery legislation, to help them comply*
- *Consultation with various stakeholders to develop action plans for judicial and administrative reform*
- *Involving and strengthening regional organisations*
- *Establishing better dialogue with governments*
- *Developing, improving, implementing and monitoring codes of ethics and business practices*
- *Establish partnerships with NGOs and collaborating with the media*

The Role of International and Inter-governmental Organisations

Donor organisations are often catalysts in pressuring governments to tackle corruption. They also fund both government and non-government organisations in fighting corruption. Many of the measures discussed in this chapter are only made possible by foreign donor assistance. Certain agencies (mainly the World Bank and the IMF) also do their own research into corrupt practices and make this information available to countries that want to use it.

But a role for international organisations that we have not touched on yet involves the internationalisation of corruption. When corrupt people take their money (or themselves) into others' countries, does the country in which the corruption took place have any way of fighting back? We are all aware of the millions that are reported to be stolen by dictators that have looted their own countries – Transparency International in 2004 produced a list of the 10 worst offenders – listed in Chapter 3. What can be done to try and get that money back, and get that person arrested and returned to their own country for trial?

The topic has become linked with two other sets of international criminal behaviour – drug trafficking and terrorism. Drug traffickers and terrorists are, like big corruptors, interested in making sure that (a) they cannot be arrested and repatriated and (b) in moving their money to safe havens. This has given rise to a new industry – the fight against money laundering. The EU has set up a Financial Action Task Force (FATF) that has proved very powerful. It has caused to be implemented legislation and other administrative arrangements to trace the flow of suspicious funds through a country's banking system under penalty of that country not being able to use the international banking system at all. It has also required countries with whom its members do business to set up a number of safeguards against money laundering – or be unable to use the services of international banks. Countries have to pass legislation in their own countries that ensures that their own banks practice certain important principles (like an obligation to notify suspicious transactions to the competent authorities).

In respect of recovering assets and extraditing people, the position is much more complicated. Not so very many countries have extradition agreements between them, and some countries actually advertise that they are safe from foreign judgements against people domiciled in their territories. There are considerable numbers of safeguards that are required to be satisfied before courts or administrations in one country will provide assistance to those in another to prosecute a possible corruptor who is residing in their country.

INTERPOL has a "red notices" system that national police forces can use to notify INTERPOL headquarters that a suspect person is wanted by their country, and that if he or she is found, extradition procedures will be requested. However, if there are no agreed extradition procedures between the two countries, INTERPOL can do no more than inform. Some progress, however, has been made. The EU has agreed to the principle that stolen money should be returned to the country of origin, and Switzerland has, for instance, agreed to return money stolen by General Abacha of Nigeria and deposited in Swiss bank accounts. The record of attempts to recover Marcos stolen millions, which have been largely unsuccessful, do not give great cause for optimism, however.

This area is still in its early stages, and much more needs to be done to empower international organisations to prosecute corrupt acts where the perpetrators and/or the proceeds of corruption have moved across borders - as well as recovering stolen assets taken to other countries.

The Role of Civil Society

Over the past decade, civil society organisations have been playing a more active role in the fight against corruption, and the importance of their involvement is increasingly

recognized. Civil society organizations represent, most of all, an important conduit for citizen involvement in governance and policy processes. Such involvement can exert pressure on power holders in a country and can provide valuable feedback about the effectiveness of anti-corruption measures.

In his recent synthesis of lessons learned in fighting corruption, Bruce Bailey, writing for the OECD, noted the following key areas of NGO work:

- *Assisting or carrying out diagnostic surveys, research and other related activities*
- *Acting as advocates in a wide variety of ways*
- *Exposing abuses and creating awareness about corruption issues*
- *Formulating and proposing action plans to fight corruption*
- *Monitoring government action and decisions in a wide variety of areas including privatization plans, procurement, budget management, allocation of housing, public expenditure tracking, election monitoring, legal reform and human rights.*
- *Providing leadership to remove corrupt leaders at national and local levels (Indonesia, Philippines, Peru)*

His research suggests that experience of working in these ways has yielded the following emerging lessons:

1. *Coalitions are key and there are many examples that they work and get results*
2. *Unexpected and unusual alliances have been created between NGOs and other CSOs, including the private sector, and, on short-term issues, the police and the army*
3. *The anti-corruption activities of many CSOs and NGOs are shifting from advocacy and awareness raising to more specific and focused activities (e.g. researched advocacy on legislative and regulatory change, action plans, procurement and other monitoring, and the development of toolkits)*
4. *A number of CSOs have demonstrated that they play an effective role at the local level, even when endemic corruption exists at the national level*
5. *CSOs and NGOs are not without their own governance and management problems. These range from lack of transparency and self-regulation, the role of membership and boards, over dependence on one donor and lack of middle management. There are also CSOs with dubious affiliations to those who are part of the corruption problem. As well, there are CSOs (in the transition countries in particular) that have been created as personal income generating projects for people who have limited interest in fighting corruption*

Citizen Involvement in Budgets, Laws, and Audits: The further away citizens are from the processes of governance, and the greater is their ignorance of them, the easier it is for corrupt practices to become established and self-perpetuating. If citizens can get involved in the processes where corruption is rife, not only can they learn more about them, but also they can act to head off corruption.

Examples of this is where citizens demand a voice in the making of state or local budgets, and Porto Alegre in Brazil has often been held up as a success story in this area – which is why the World Social Forum was held there in 2003. In Porto Alegre so many of the deliberative efforts of local government are open to the public, and indeed the public is encouraged to get involved in such processes. The Ugandan Debt Network also works to persuade citizens to get involved in budget making and budget checking⁵⁷. Citizens can make demands for access to many areas where corrupt

⁵⁷ See www.udn.or.ug and the Case Study in Chapter 9 of this book

people try to preserve secrecy so that their corruption can continue. Citizens can press for access to the deliberations of lawmakers, to the work of auditors, and particularly to the processes by which budgets of government (both national and local) are created, and then the reporting processes by which it is disclosed how these budgets have been spent.

It is unlikely that all citizens could ever get such access, but citizens who band together to form themselves into NGOs that are serious, committed, and represent a large body of concerned opinion can press strongly for their right to attend the processes where decisions get made, and their presence will have a very strong effect on corruption.

Such groups, once formed, can lobby to be taken seriously, and to be granted access to many aspects of governance that were previously hidden. In the Philippines an organisation that reported to the auditor general about shortcomings in the government auditing procedures - and was shown to be accurate and responsible in the way it did so - was finally contracted by the Auditor General's office into becoming a kind of monitor of official auditing processes. (see adjacent box)

In Indonesia a group set itself up as a "Police Watch" claiming its right to monitor the police force and report on their findings to society at large.

Initially its efforts were regarded with scepticism, but it persevered, proved its value and usefulness, and it is now included in many discussions of police policy and procedures. Citizens, through forming themselves into civil society organisations, have a surprising amount of leverage that enables them to get their feet under tables where decisions are made and make positive outsider contributions to systems and structures that have for a long time been hidden and protected – and for these reasons, often corrupt.

Citizen Involvement in Identifying and Promoting Islands of Integrity: One of the best ways to turn around scepticism and cynicism about corruption and its forward progress is to identify examples of clean organisations and companies whose activities are not only not corrupt, but that are also models of good behaviour, good customer service, and good governance. The public needs to know where such organisations of positive deviance are located and they will be interested to find and promote them if there is publicity and are rewards connected to this.

Many countries promote development heroes/heroines of one kind or another – most successful farmers, best mothers, best investigative journalists, greatest environmentalists – but so far there are few countries that recognize and reward organisations (or people) for not being corrupt. The public, however, need to know that not only are such people around, but that it is possible to live a life of morality and integrity, even in a generally corrupt country. The new Indonesian "Bung Hatta Anti-Corruption Award" mentioned earlier is a good example of this.

"Procurement Watch" in the Philippines

Some grants from international financial institutions contain activities that feature the combined strengths and efforts of the Philippine Government and CSOs. An example of this is the World Bank Institutional Development Fund Grant for their Institutionalization of Procurement Reforms in the Philippines, which includes a component on the advocacy of the recently enacted Government Procurement Reform Act to be undertaken by an NGO called Procurement Watch Inc.

*The Philippines Integrity Assessment
Comments CPI-GA*

Often the place to look for islands of integrity is in units of local government. Politically ambitious people can sometimes see that building a reputation for cleanliness and integrity will be something for which people will vote, and they can establish power bases in different local areas if they develop a reputation for integrity. In other cases there will be people who, from a religious perspective, refuse to be drawn into corruption. Once such people can be found, their situation needs to be publicized and they need be encouraged to take a public stance – to urge people to hold firm against corruption using their example for doing so.

At a national level Singapore has made very successful use of its reputation for being “clean”. Early on Lee Kwan Yew appreciated that the island had no natural resources except its people and the government performance that could be implemented. Lee Kwan Yew foresaw that a “clean” nation in South East Asia would attract investment – and it has demonstrably done so. The citizens of Singapore are heavily indoctrinated with the importance to them of Singapore being “clean”, and they act as promoters and publicists for the island to outsiders.

Political Will

The most important issue, however, is whether or not there is any genuine political will to fight corruption in the country, and in the government. In the recent surge of interest in controlling corruption, a large number of governments have signed on to a range of international conventions about anti-corruption, and many of them are, sad to say, hypocritical – realizing what is the new language that is required from them to look good to those important to them, but with little intention to actively changing the system by which many of the government’s employees gain their income. The prescriptions of some analysts and development agencies rarely seem to deliver the results desired.

At the end of Chapter 13 of CONTACT is provided a checklist for integrity improvements to prevent and control corruption⁵⁸. The section on “Political Will: Authorities commitment to fighting corruption”, looks like this:

- *How much money has been allocated? (to fight corruption) (e.g. compared with annual budget of the administration concerned)*
- *What resources have been made available e.g. human, technical, and financial? How were these resources raised (internally and/or externally)?*
- *What was the degree of analytical rigour used to understand the context and causes of corruption? Have independent research, surveys and consultations been conducted?*
- *Has the process to develop the anti-corruption program been participative, for example, does it incorporate and mobilize the interests of different stakeholders?*
- *How convincing are the motivations to curb corruption, for example, as it related to funding and/or political support provided by the authorities?*
- *Does the strategy balance the control and prevention of corruption well?*

Political will is also expressed objectively by numbers of court cases against corrupt people that resulted in custodial sentences, or instances where existing and widely known corruption was actually reduced – in, for instance, customs, tax, procurement, licensing, and banking. It would be valuable for countries to set up regular consultations or surveys of poor people to see if their experience of corruption changes over time, and over periods in which high profile anti-corruption crusades are

⁵⁸ This is already referred to in Chapter 3 as one of the Check Lists.

instigated by central government. This is a very valuable role that NGOs can play – to show government what is actually happening (or not happening) at the grass roots.

Physical Danger

It was mentioned earlier that a number of Integrity Awards from Transparency International are awarded posthumously. Getting involved with exposing corrupt people to general scrutiny, and, more so, getting involved in trying to stop the sources of their corrupt income (and the power that the ownership of that corrupt income gives) is a dangerous business. Organisations or individuals that do not have a body of supporters or constituency behind them are the more vulnerable.

We are not talking here of reforms of a non-threatening and limiting kind, like making sure that citizens get receipts for payments made to municipalities, or that teachers are forbidden from extorting illegal levies from the parents of their students. We are talking of reforms that threaten a whole integrated corrupt structure. If the army allows its soldiers to be hired out as bodyguards, it is very likely that such soldiers will soon be making accommodations with criminal gangs, and that extortion and narcotics will follow. If civil servants buy their positions, and as a result are forced into soliciting bribes to allow them to recoup their initial investment, the stakes are high. The stakes are highest if there is what the Hong Kong police used to call “syndicated corruption”, meaning that corrupt income is connected to payments up the chain of command so that most important people, including ministers and presidents, derive their income from corruption, and stand to lose a great deal if such corruption is stopped.

In Chapters 5 and 6 there is more on how NGOs can try to limit the risks to them and their staff, but we can leave this chapter with the chilling messages the Hong Kong Police gave to new recruits before they were reformed⁵⁹:

*“Get on the bus”
(i.e. if you wish to accept corrupt income, join us)*

*“Run alongside the bus”
(i.e. if you do not wish to accept corrupt income, it matters not, but do not interfere)*

*“Never stand in front of the bus”
(i.e. if you try to report corruption, the “bus” will knock you down and you will be injured or even killed, or your business will be ruined. We will get you somehow)*

The positive side of this is that this situation resulted in a strong reaction against police corruption, there was strong political will from the Governor, Sir Murray MacLehose, to reform the situation, and the ICAC (Independent Commission against Corruption) was instituted. This cleaned up the police force, and got citizen participation and support for a culture of integrity within a few years of its start in 1975.

Postscript

The last word in this Chapter can usefully come from Bruce Bayley again, which sums up the contents of Chapters 3 and 4:

⁵⁹ Quoted in “Corrupt Cities – a practical guide to cure and prevention” by Robert Klitgaard, Ronald Maclean-Abaroa, and H. Lindsey Parris. World Bank, Washington USA. 2000

At the conceptual level it is hard to disagree that good diagnosis is key to understanding the causes and dynamics of corruption and the design of responses. In practice, diagnosis and our understanding of issues tend to evolve over time. A balance must be struck between up-front analysis and a more continuous learning approach.

Equally important is that there appears to be a great deal of overly sophisticated analysis and diagnosis work being done at the expense of engaged participation with different stakeholders through discussion and consensus building. We have learnt in diverse areas from poverty reduction to organizational improvement to listen to the direct input from key stakeholders, such as the poor and to engage them in new policy directions, and not just to collect a lot of data and do statistical analysis. Anti corruption work still misses much of this broad public participation input.

And possibly the best people to put forward this emphasis in their anti-corruption work are the NGOs. The Uganda Debt Network, (see the Case Study 8 on them in Chapter 9) with their emphasis on recruiting and empowering citizens to check budgets, check resource transfers, monitor what is actually received from central government to their schools and clinics, is a fine example of what can be done.

Chapter 5

How Ready is Your NGO to Implement Anti-Corruption Programs?

Chapter 5 looks at the qualities that an NGO needs to have if it wants to engage in effective anti-corruption work, particularly whether it can clearly define anti-corruption objectives that it has a chance of achieving. It looks at the capacities than an individual NGO needs in terms of credibility, reputation, and risk management. It then looks at general organisational competence necessary for NGOs that are prepared for the long fight to defeat corruption, and their ability to set realistic and achievable objectives. It provides exercises and self-learning tools for NGOs to identify their strengths and weaknesses, and ways to build their capacity in areas where they are weak. Finally it introduces a scenario based on the imaginary region of Agraria in the country of Agronomia to try these ideas out.

Clarifying the Identity of the NGO

Any organisation that is going to make a public fuss about corruption is going to have to be ready to defend itself against accusations that its stance is purely personal or has a partisan political motivation. Accusations will be made (particularly if the organisation is successful in raising issues that question the status quo) that the people in charge of the organisation raising the difficult issues are (take your pick) disaffected intellectuals, a splinter group of anarchists, a group of immature students, a disguised front for an opposition political party, people who have not been given government jobs and are sore about that – or any number of other accusations. It is likely that readers of this book have had such experiences, and can supply their own particular versions of such kinds of accusations.

It is therefore very important that the organisation can defend itself by reference to its legitimate right to be raising such issues and its serious moral purpose in doing so. This will depend greatly on the constitutional right to association and free speech in the particular country, and the laws that back up those constitutional rights. You need to know these clearly and be able to explain to anyone that asks you what your *locus standi* is. “Locus standi” is lawyers’ language for “the place at which you stand”, “the place from which you start any action”, or, in other words, your right to be doing what you are doing and saying what you are saying.

A common government tactic to attack NGOs who are exposing their corruption is to question the legitimacy and mandate of the NGO, contrasting it with their own legitimacy and mandate that has come from being elected by a majority of the citizens of the country. Putting on one side questions of the legitimacy of their election, the cry from the government will be “Who are these people who call themselves NGOs, and what is their constituency?” Many people may well be sympathetic to this (typically) governmental point of view. John Clark, in his book “Worlds Apart – Civil Society and the Battle for Ethical Globalization” quotes a journalist from the Financial Times of London⁶⁰ who evidently thinks like this:

⁶⁰ “Worlds Apart – Civil society and the battle for Ethical Globalization” by John Clark, Earthscan London 2003

The claims of NGOs to represent civil society as a whole, and, as such, to possess legitimacy rivalling – perhaps even exceeding – that of elected governments is outrageous.

Such accusations cannot be dismissed lightly – they have a wide following and are often levelled at NGOs. It is also the point at which some NGOs, which are largely self-selected and self-appointed, are vulnerable. They need to consider their response to such accusations carefully. Membership organisations like trade unions, popular or professional associations, stand on firmer ground, because they have a clear constituency. NGOs that do not have a clearly identified constituency need to be clear how to defend themselves against such attacks.

John Clark directs our attention to arguments that are based on representivity, accountability, and legitimacy. “Representivity”, he says:

isn't simply about speaking on behalf of a constituency. It is also about speaking with expertise on an issue (representing the facts) and knowing that you have the support of a constituency. (...) Those wanting to probe the representation of a CSO should look less to the number of members it can demonstrate than to the quality of experience it represents and the degree to which others in the field admire its expertise.

“Accountability”, Clark suggests, is more complex: it has three components – “for what”, “to whom”; and “how”. “Accountability for what” is answered by ensuring that that the NGOs’ messages are both realistic and serve the goals claimed, that its information is accurate, that the path urged is sustainable, that claims regarding partnerships and constituencies are genuine; that there are no ulterior motives, and that the cause is sensitive to other important factors, like gender or the environment. “Accountability to whom” is answered by the vulnerable groups they serve, the managers and boards of trustees of the organisations concerned, and by donors who decide to support their work. “How” accountability is demonstrated by showing that the NGO is actively engaged with a constituency, that it is telling them (and others) what it is doing, with whose support, and how any income received is spent, and under what laws and regulations it is operating.

Legitimacy is more complicated again. Clark suggests “Legitimacy” should be dealt with as follows:

Any size group has a perfect right to speak out on issues that concern it because that is what freedoms of speech and association – protected by democratic governments and international law – are all about. CSOs are legitimate as long as they are honest and the interests they promote do not harm others.

If there is a law that allows for the formation of citizens associations and no law that forbids them from being involved in a particular issue⁶¹ then they have every right to take a stance (a “*locus standi*”) as concerned citizens of that country, and every right to defend their doing so.

⁶¹ Governments will be keen to have every contentious issue on which they may suffer embarrassment (or worse) to be declared an “official secret” so that they have a legitimate right to deny NGOs the right to speak on or about it. As MKSS in Rajasthan, India has shown, the state government there tried to have the state budget declared an official secret so that it would not become the target for anti-corruption investigations (see Chapter 9 Case Study 7)

The Basis of the NGO's Mandate

In Chapter 2 we talked of different kinds of CSOs. Most anti-corruption NGOs are likely to be NGOs for the public benefit, and the basis for their mandate is:

- The NGO is set up according to the laws of the land that allow for citizens' organisations to exist – just as other laws allow businesses and firms to exist
- The NGO has a governance structure that takes responsibility for the work of the organisation
- The NGO has experience and knowledge that provides it with authority to speak on a particular issue
- The NGO is breaking no laws by speaking on such issues

Each NGO should check themselves against these four criteria to see if they can answer clearly in the face of accusations about legitimacy. They must be able to answer in the case of their organisation the following five questions:

- Under what law are you constituted?
- Who has the legal responsibility for the organisation?
- Do you have articles of association that clarify responsibilities in the organisation?
- Do you have expertise – and can this be shown easily to others?
- Are you keeping within the law?

Another way for an organisation to give itself a “*locus standi*” is by pointing out that a duly enacted law in the country is being broken or ignored, and that every citizen has the right to point this out and campaign for its proper implementation. A further, and more international, basis for your mandate is that a government has signed some specific international convention and is not living up to its international commitment. Every citizen has the right to point this out. Finally, an NGO, being an organisation of citizens of that country, can point out to what extent corruption is damaging the country and the lives of its citizens, and that in their opinion, such practices should be attacked and defeated.

Some anti-corruption NGOs are possibly set up for the benefit of a particular group, and they can have a different mandate. If an organisation is set up, or has so organised itself, as a membership association, it can claim that it is speaking and acting on behalf of a membership of people affected by the issue who have given it the right to speak on their behalf. They have the legitimate authority to speak on behalf of the people that they represent.

A similar argument is provided by the tactic sometimes employed by anti-corruption activists – that of the “class action”. This is an argument in a court of law that the plaintiff is legitimately representing a large number of people who all have the same problem. If the presiding judge allows such an argument, the NGO that puts itself forward as the plaintiff can fairly be said to be representing a large group of people. The Legal Aid Institute in Surabaya, Indonesia, successfully used this tactic to prove the theft of local government resources by local parliamentarians who abused the province's development budget, which should have been for the benefit of the people of the province by going on a shopping spree under cover of an investment study tour.

How the NGO is Perceived

However much an NGO can claim either legal legitimacy (because it is set up under the laws of the land and is doing nothing illegal), or moral legitimacy (because it is acting on behalf of people who are harmed by injurious or ignored policies and practices), its success in confronting those who attack its monitoring or advocacy activities will be largely dependent on how it is perceived – by both government, business, and the public. Perception is often more powerful than fact, and therefore, the public's perception of the NGO is very important. The NGO should be very aware of how valuable public support will be to it and how much this depends on perception.

The NGO should spend time considering its public persona and how that can be improved. An international NGO called The Institute of Development Research (IDR) has drawn up a list of features of perceived NGO credibility and legitimacy that appears as Annex 6/1. NGOs may find this a useful tool.

IDR have arranged the checklist in the form of a scorecard so that organisations can assess themselves against a possible total score. Organisations can use it in two ways; firstly to reflect whether the features shown are considered important indicators of legitimacy and credibility in their country: and secondly, to score themselves against those features that they have agreed do represent important indicators of legitimacy and credibility. A low score can then alert the organisation to think of the need and the ways to build the organisation's legitimacy and credibility in that area.

Not all the features shown in this list are relevant to all countries: for instance there are two features of legitimacy listed that may be problematical in certain settings. They are: "Status of Board Members or Patrons" and "Perception of Staff Integrity and Competence". In some countries the first feature would be an attractive feature for an organisation that would raise its credibility and legitimacy in that society. In other countries this feature might raise people's suspicions that the NGO is only interested in "names", to the exclusion of its programs. In such a country the second feature would give the NGO much more credibility.

Clarifying who is on the side of the NGO

An NGO working in anti-corruption is likely to have the public on its side so long as it is attacking the corruption of identified sectors of the population – particularly highly placed or protected people – where there is common consent about their iniquity. A Minister known for his opulent lifestyle that all suspect is based on corrupt income, police whose road blocks and illegal levies irritate everyone, a business that has paid off public officials to allow it to contravene environmental regulations – all these are likely to be people that the public love to hate, and those attacking them will likely be cheered by the same public.

In countries of systemic corruption, however, it is likely that very large numbers of people are involved in corrupt practices, and such practices make up an important part of their income. Anti-corruption crusaders might not be so welcomed in such situations. In cases where you are, for instance, targeting journalists who take backhanders to write complimentary copy, commission agents or "fixers" who pass "grease money" through the bureaucracy to speed up paperwork, or local administration officials who take a percentage of funds that pass through their hands as a semi-official part of their

salary, “clean-up campaigns” may not be greatly welcomed. An NGO may well need to spend considerable time showing that a particular corrupt activity, although common, is actually very detrimental to the country, and warrants a concerted attack. An NGO who is too strident too soon, may find itself without support because it will be attacking the income of very large numbers of people.

An NGO working in the anti-corruption field needs to be very vigilant about support and supporters. As well as being a respectable and clean NGO that can defend itself with reference to the existing laws of the country, and the value of the work that it is doing, it is pragmatically advisable for an NGO to try and find (and cultivate) “champions” whose association with the NGO will give it clout, and who will also be prepared to help it when it is in trouble. Such people are well-placed and well-respected figures who have a reputation for cleanliness themselves, and who are prepared to be identified with your NGO if there is a crisis. Such people can, with a couple of phone calls, possibly deflect attacks that low level bureaucrats feel free to make.

The NGO may formalize the relationship by inviting such people to be members of their Board, or to be on the letter head of the NGO as a Patron or Sponsor, or it may prefer to have a more informal relationship in which the NGO keeps its champion briefed on what it is doing, but only calls upon such a person for help at time of emergency. Such people could be retired Ministers of government, university leaders, social and religious leaders or others – depending on the culture of the country. It is not a good idea for such people to be politicians of any kind, since this places the NGO in danger of being denounced as a politically partisan organisation.

A very interesting strategy that has come from the Public Affairs Centre in Bangalore, India, and subsequently been copied by others, is that of the Report Card⁶². The users of government services (and, thus, by implication, the payers of corrupt levies) are involved as the researchers into such practices, and asked to report on their experiences. As more and more data is collected from users, the NGO that is collecting the data can make a Report Card on the Government Institution in the name of the users, and demand reform of its more unpleasant practices. Those “users” who have been involved in reporting their experience of corruption will strongly support the NGO that has used their information to push for reform or an end the corrupt practices they have identified. This is also a way for an NGO to build a constituency.

In countries of endemic and systemic corruption it is sometimes difficult to get clear citizen indignation or anger over corrupt practices, because such practices have become the norm, and have been internalized as the usual way of life. In such cases it is valuable to go through a conscious raising exercise with people about the effects that corruption has on their lives and the lives of those they know, and even the lives of the citizens of the country as a whole. People who have been through such an exercise are “conscientized” (much as women who have been through awareness raising sessions are conscientized about gender politics), and become strong supporters of anti-corruption NGOs as a result.⁶³ Such awareness raising serves both

⁶² Also described in Chapter 3 and further described in www.pacindia.org

⁶³ A place to read more about such work is “Participatory Corruption Appraisal” by Richard Holloway and Stefanie Teggeman, published by the Partnership for Governance Reform in Indonesia, 2002 (<http://www.kemitraan.or.id/publications.php>) Unfortunately this book refers to a limited range of experience in urban slums of Indonesia.

to clarify and expose the corrupt practices known to citizens, and as a way to get people on the side of the NGO as it goes to battle against corruption.

In some cases an NGO is likely to be without friends, or people who are “on its side”, even though it is doing valid anti-corruption work. This may be because the topic is so sensitive that few people are prepared to associate themselves with the NGO (like attacks on corruption in the Army, for instance, in countries where the Army is the power behind the government.) or it may be because the topic is not one that has a ready constituency, and the NGO has the difficult job of persuading people of the importance of its mission. An example is paying taxes. In many countries the payment of tax is seen as an unwelcome burden that people would like to escape, and they are prepared to bribe tax officials in order to reduce their payments. The payment of tax is not seen as an important and patriotic citizens’ contribution to the development of his/her country. In fact the opposite is sometimes true – people who have avoided taxation are popular heroes. The NGO that campaigns on corruption in the non-payment of tax is unlikely to have many initial supporters, and will need to spend a lot of effort in educating the public about the importance of this form of corruption.

This means that an NGO with a cause of limited popularity has to be prepared to spend a long time educating the public about the importance of the cause as a key part of its anti-corruption strategy, – it cannot rely on citizen support until it has worked hard to get citizen awareness of an issue and particularly the damaging effects of corruption on that issue.

How the NGO is placed if things get dirty

If the NGO are targeting government officials or employees of businesses for an anti-corruption campaign, it is likely that it will be perceived as an irritant, or, worse, something that they would like actively to stop. They may attempt to blacken the reputation of the organisation, intimidate its staff and supporters, threaten the office bearers, or simply ignore them if they think that the accusations will be forgotten and there is no mass support for its work. This is where a strong public persona is valuable. It can be a bulwark against damaging attacks from Government or Business.

If things do get dirty, and it is likely that those who are reacting to the NGO’s activities will attempt to close it down, it is time for the NGO to attempt to bring on the “champions” we referred to earlier. “Champions” in this sense are supporters of your organisation and its aims who are prepared to protect it when it is under attack. Such people may be senior and respected citizens who have a moral authority in the country, they may be professionals in the field in which you work who recognise your comparable professionalism, they may be people for whom supporting your organisation is advantageous in some other struggle that they are pursuing, or they may be people who have a family or clan connection to your work and what it does. They could also be people who have benefited from the work of your organisation in the past. And finally they may be people whose services you need, like lawyers, human rights activists, or friendly journalists.

The important thing is that an organisation does not wait until it is in trouble to identify, alert, and mobilise such people. An organisation fighting corruption should think, from its inception, of “worst case scenarios” in which champions will be required, and start

cultivating such people. It should keep them informed about the work that it is doing, and warn them if the organisation is moving into a possibly confrontational situation.

One group of people who many NGOs look to in times of difficulty are the networks of foreign advocacy organisations or foreign donors – particularly if such people have already been involved with the organisation. Seeking the support of such people may be effective, but it is also likely to create a backlash. Government officials will lose little time in labelling the organisation as one which is hiding behind foreign skirts, or is a pawn to foreign interests, unpatriotic and suspect. Its supporters who want to see a local solution to a local problem also may not like seeking protection from foreign organisations. Involving foreigners in disputes between NGOs and their government is a two edged weapon, and its value must be judged on the ground in each situation

How your NGO Handles Personal Risks

If things get dirty, it is entirely possible that the staff of the NGO will be put to some personal risk. Those who hold power and are using that power to illicitly enrich themselves are likely to react to your attempts to deprive them of that income and possibly expose them to arrest. The organisation should carry out a risk assessment as part of its project planning process to identify where are the risks for the project and then plan what you are going to do about it if the worst happens. This is called contingency planning.

Contingency plans should be made in consultation with people that you may be calling on for assistance. If, for example, a member of staff is physically attacked or threatened, experience shows that consultation after the fact with the victim on what to do could be distressing, inappropriate and unwelcome. The victims will want to be reassured that people are aware of what they are doing, and are organised to get them out of a bad situation if that becomes necessary. These plans should therefore be established at the beginning of the project, not after the event. Someone should be in charge of security issues from the outset and keep an eye out for mounting security risks.

Slander

Staff may be victims of slander that can be both crippling for the project and lead to serious complications personally for the staff of the NGO. Allegations ranging from drug abuse to child molestation may be made against key members of the NGO. These are intended to eliminate effective individuals from the anti-corruption work of the organisation and tarnish the reputation of the NGO. Without proof of innocence and in the face of ‘fake testimonies’ provided by the perpetrators, it can be very difficult for stakeholders to officially support staff and they may have to be moved.

Libel

Where the NGO is also publishing reports independently there is the potential for individuals, companies and institutions to instigate a case of libel against the NGO. Any allegations of corruption, which is notoriously difficult to prove, will need to be backed up with solid data. To guard against the possibility of libel actions being brought against the NGO all publications should be reviewed by a suitably qualified legal expert at the outset of the project. This aspect of the work should be included in the project planning process as it will take time and possibly additional funds.

Physical violence

If your organisation has received threats for any reason, the NGO should not dismiss these threats. They may represent a potentially dangerous situation. The NGO should communicate with stakeholders about the threat received and ensure that it is documented. The relevant steps of the contingency plan should be implemented if this issue has been included in it: if it has not, then the plan should be amended.

Activities where risks may occur

If your organisation has uncovered a case of corruption with a high political profile (at the presidential level, for example) a number of questions will immediately be raised.

- What is the response of the political elite likely to be?
- How can the NGO best respond to any actions taken?
- What will the response of other stakeholders be?

Even where an international multi-stakeholder framework has been designed there may be lack of support for the NGO when it uncovers cases of corruption of high political sensitivity and financial value. People may well feel that your cause is just, but it is simply too politically sensitive to support your work at that particular time. Without stakeholder support, the NGO may find itself isolated from its protective framework and people on the ground may come under threats or acts of violence.

Possible responses could be:

- Increasing immediately the amount of exposure of the issue through the press to avoid malevolent actions attempting to prevent exposure
- Increasing immediately the amount of exposure to a selected group of contacts who are trusted, sympathetic and influential individuals (MPs, patrons etc.)
- Calling immediate meetings and attempts to present a united voice in regards to the findings so that the pressure on staff can be diffused.

Self-Assessment

Serious NGOs have long-term goals for improving the situation in their country, and the commitment to work at reaching these goals over time. They are prepared to fight for their particular cause, in this case anti-corruption, over the long haul - and are closer in spirit to marathon runners than sprinters. They need stamina and strength and long-term vision – all attributes of a well-established and well operating organisation.

We may think of the “sprinters” as NGOs who are prepared for a short-term campaign with dramatic revelations and explosive campaigns. Often such organisations are not able to capitalise on their short-term gains because they do not have the organisational strength and maturity to lead on from such immediate accomplishments into longer term and finally more effective activities. It is also possible that they will not be able to attract support and funding if they do not have longer term goals and competent organisational back up. There is certainly the need for an organisation to “sprint” from time to time, but a truly effective organisation will have the endurance of the long distance runner.

This emphasises the need for anti-corruption NGOs to have a strong organisational environment from which they can carry out their work. A number of people have heard, for instance, about the tremendous work of the Philippines Centre for Investigative Journalism in bringing down President Estrada by revealing his corruption, but not so many know that the organisation was already well established, and had a track record of fine investigative journalism prior to this. Its famous success in that high profile case was merely the most recent success for a well-established and solid organisation. Anti-corruption work is unlikely to be a project (meaning a time bound specific activity with a set budget); it is more likely to be a program of activities, not always completely clear at the start, that leads towards achieving long-term goals. An organisation needs to reflect on its ability to hang in for the long term, and about its organisational capacity – that is its capacity to do the work that it has agreed is needed.

NGOs need tools to help them to assess themselves from this perspective of organisational competence, and long-term organisational sustainability. A few organisations have developed organisational self-assessment tools⁶⁴, of which one of the most valuable is the Organisational Capacity Assessment Tool (OCAT) developed by Pact Inc of the USA. This tool clarifies what it considers to be the attributes or capacities of a “healthy” NGO⁶⁵. The tool does not deal in sectoral competence (i.e. how competent an NGO is at anti-corruption or human rights work), but in organisational competence – something to which many NGOs do not pay sufficient attention.

Annex 6/4 provides a complete OCAT for an assessment of a generic NGO and Annex 6/3 provides suggestions on how to administer the OCAT.

If an OCAT specifically for monitoring or advocacy organisations is needed, then such organisations should sit down and think through what are the capacities that ideal organisations of that kind should have. Basing themselves on the OCAT framework, organisations can remove indicators that they think are not relevant to monitoring work or advocacy work, and add indicators that they think are. The important point is intellectual honesty in assessing which capacities are needed by an ideal organisation, and then further intellectual honesty in scoring your organisation against those capacities to ascertain your organisation’s capacity.

.In Annex 6/2 there is a schematic of what sorts of activities can be expected of NGOs at these four different stages of development according to the different indicators for a general purpose NGO. The information in this Annex allows you to consider a realistic appreciation of what your NGO should look like at each of these 4 degrees of development for each of the specified sub-components. Again, these activities reflect organisational competence rather than specific sectoral expertise.

⁶⁴ See “An Inventory of Civil Society Resources and Tools” CARE 2001: “Capacity and Institutional Assessment: frameworks, methods, and tools for analysis” Peter Morgan and Suzanne Taschereau, CIDA

⁶⁵ The original appearance of this tool was in 1995 in Ethiopia. Pact subsequently evolved a variety of other tools from this beginning - see www.pactworld.org and follow links to “organisational assessment”

Brutal Honesty

Such tools to ascertain Organisational Capacity are only useful if those working with them are brutally honest about their organisations, and are prepared to do something about the areas in which they have judged themselves to be weak. It is no use, for instance, marking your organisation with a high score for performing audits, if it has never actually carried out an audit, but simply recognizes that audits are a good idea in theory. The OCAT is meant to represent your organisation's capacity in fields that you recognize as being important, and in which you have had experience. Further, it is a tool that leads to an action plan for those organisations that realize their limitations and want to do something about them.

OCAT is valuable to an organisation if it is honest both in the design and in the scoring. In the design the organisation must make sure that all indicators reflect a consensus of the ideal in that particular capacity area. In the scoring, participants must reflect on what is actual practice in the organisation at the present before giving a high or low mark. There will be disagreements, and there will be healthy arguments. The arguments, discussions, and compromises are one of the most important aspects of using the OCAT.

There are some other factors to help ensure that your organisation reports on itself honestly:

1. The organisation should invite all stakeholders to take part in the exercise – thus not only staff, but also Board members, volunteers, clients, beneficiaries, and outsiders e.g. government people or journalists who might be expected to have a point of view about your organisation
2. The scoring should be done by each person confidentially, after there has been discussion of present organisational practice
3. The scores are aggregated into totals for indicators, sub-components and components, and de-linked from individuals scoring. The scored sheets should be anonymous to assist honesty.⁶⁶

An organisation that is going to work in the controversial area of fighting corruption certainly needs technical and professional competence in the field of corruption fighting – but it also needs competence in the less travelled world of NGO organisational capacity. If the organisation is not healthy as an organisation it may well not be sustainable – it may not be able to hang in with the marathon runners to achieve the long-term goals, but collapse out of breath with the sprinters at the end of a short burst. OCAT allows any NGO to set up the ideals by which it wants to be judged and then assess itself against those ideals. The low scores will illustrate areas in which capacity needs to be built to make sure that the organisation lasts.

Setting Objectives

⁶⁶ Annex 6/3 provides Guidelines for carrying out an OCAT exercise. It is often valuable, while preserving anonymity, to look at patterns of response between different groups of stakeholders. This might reveal a considerable difference of perception about the NGO between Board members and staff, for instance - or between outsiders and insiders.

As well as general organisational competence, necessary for NGOs that are serious about getting involved in fighting corruption, there is the further necessary competence in setting objectives. At other places in this Handbook, we have remarked upon the need for NGOs to manage for results: that is, if they are serious about what it is they want to achieve, they must have a clear idea before they start about what long-term results they are hoping to see, what part their organisation can play in seeking those results, and, importantly, what part is likely to be played by others. We have also remarked upon the limitations of NGOs that grab the opportunity of an activity, or an action, without thinking through the long-term implications of such actions.

Finally there is another limitation of many NGOs in setting their objectives and planning their work, which is the representativeness of those doing the planning at the NGO. In many NGOs the planning is done by a limited and self-selected group of people who may not have the broad and inclusive view of the stakeholders in a particular area. They are likely to come up with a limited and blinkered plan. The greater the diversity of stakeholders that can be involved (within reason!), the better for the richness and inclusiveness of the plan.

If an NGO recognizes itself in this description, there is a useful tool to help them. It is known by many names – particularly Goal Oriented Project Planning (GOPP), sometimes OOPP (Objectives Oriented Project Planning), sometimes Results Based Management (RBM), and sometimes it is known by the product of the process, the Log Frame (LFA or Logical Framework Analysis).

This Resource Book suggests that all NGOs that are planning to work in the anti-corruption field make their plans for doing so by going through the GOPP process, described in the following pages. This will allow them, in collaboration with other stakeholders, to:

- think about the problems involved in corruption in the specific field in which the NGO is working
- turn those problems round by considering their opposites, i.e. the world they would like to see in the future if the problems were solved
- work out which objectives are needed to create this future world and which need to be approached in what order
- ascertain which objectives are likely to be reached by your organisation given its strengths and limitations, and which you have to pass on (or suggest) to others where your organisation does not have the capacity
- plan how your organisation is going to carry out which activities leading to which objectives, finally producing the results you want, possibly tied in to activities that others will carry out, and which will finally contribute towards the goal that you all desire

The steps of GOPP style programme planning follow. We deal with each, one by one. A facilitator is often needed for the planning exercise.⁶⁷

⁶⁷ Many of the bilateral development agencies and donors have not only incorporated this planning methodology into their work, but have also trained local facilitators. It is likely that GTZ (Germany), but also DFID, NORAD, DANIDA, CIDA will be a source of information about trained facilitators. It is also likely, from a funding perspective, that they will require such a plan as part of your proposal to them.

Steps in Goal Oriented Project Planning (GOPP)

1. Stakeholder Analysis
2. Problem Identification
3. Problem Tree
4. Objectives Tree
5. Alternatives Analysis - choice of strategy
6. Logframing
 - 6.1. Hierarchy of Objectives
 - 6.2. Assumptions
 - 6.3. Indicators of Success
 - 6.4. Means of Verification
7. Workplanning

1. Stakeholder Analysis

It is critical that, on the basis of observation and experience, an NGO has a clear idea which field of corruption it wants to address – hopefully the information and tools of Chapter 4 will assist this process. Now the question to ask is “Who are the Stakeholders In this field?” If the NGO want to address corruption in procurement, for instance, there will be one set of stakeholders; if it wants to address corruption in education, there will be another set of stakeholders; if it wants to address corruption in recruitment into the civil service (which is the example that we will use here for learning purposes and is the subject of the scenario), there is likely to be another set of stakeholders.

The stakeholders consist of the people affected by corruption in this field, those responsible for the corruption, and those who are involved in activities to try and reduce the corruption. It is very likely that the last group will be the members of the NGO (or similar organisations). The insights that are received from the observations of the other two groups, however, are also very important, and, where possible, NGOs should try to get representatives of people affected and responsible together at the planning table.

We say “where possible”, because this is a difficult thing to achieve. Corruption is a secretive endeavour and it is unlikely that those directly involved will be eager to admit it and come to the NGO’s planning session, although the presence of a retired government official, a retired policeman, an ex-customs official, as well as representatives of communities that have suffered from specific corrupt practices will enrich a planning meeting greatly.

In the absence of such people, then research is the next best thing. Research, in effect, allows their voice to be heard. The range of assessments, surveys and checklists that are described in Chapter 4 are the kind of research that will allow the NGO to know what different stakeholders think, a valuable preliminary to a planning session.

The first activity then, in the GOPP process, is to try and have, at the planning meeting, a representative collection of stakeholders in the field where the NGO plans to work – and where specific stakeholders are not present, then to try to get proxies for

them in the form of research of different kinds that illustrates the problems that they have faced and are facing.

2. Problem Identification

The participants in the planning meeting need to agree the specific aspect of corruption on they want to work. It seems sensible for NGOs to work on fields in which they have experience and knowledge, but there is also a case to be made for NGOs to work on the problems that are perceived as being most acute.

For the purposes of this Resource Book, and this particular chapter, we have chosen corruption in the civil service and we have limited it to a particular province, the province in which this NGO works – which we will call by the imaginary name of Agraria, in the country of Agronomia.

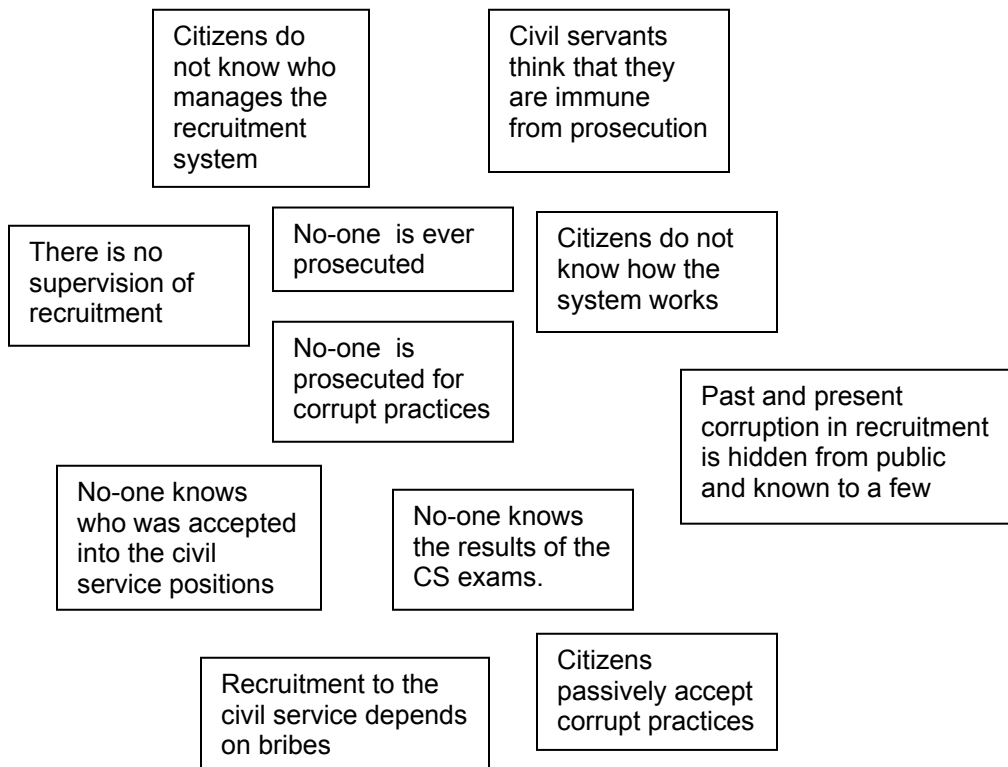
Once this has been agreed, participants in a problem identification session are asked to write on cards problems of which they are aware in the matter of corruption in recruitment to the civil service in Agraria. These are deposited at the front of the room in which the planning session is being carried out. The Facilitator holds up each card, one at a time, and checks with the participants that:

1. It is legible
2. It is agreed by all to be a real problem in this field
3. It has not already been covered by a previous card

The card is then stuck on the wall / blackboard / flip chart at the front. If the showing of a card suggests another problem, then someone takes the job of writing a further card and this, in turn, is checked with the others, and, if approved, stuck up as well.

The Problems stuck up are thus an unstructured collection of what the group agrees to be serious problems of corruption in recruitment to the civil service in Agraria. What follows is an imaginary example – here are 11 problem cards that the whole group agrees are important problems in Agraria.

Problems of Corruption in the Civil Service (CS) in Agraria



3. The Problem Tree

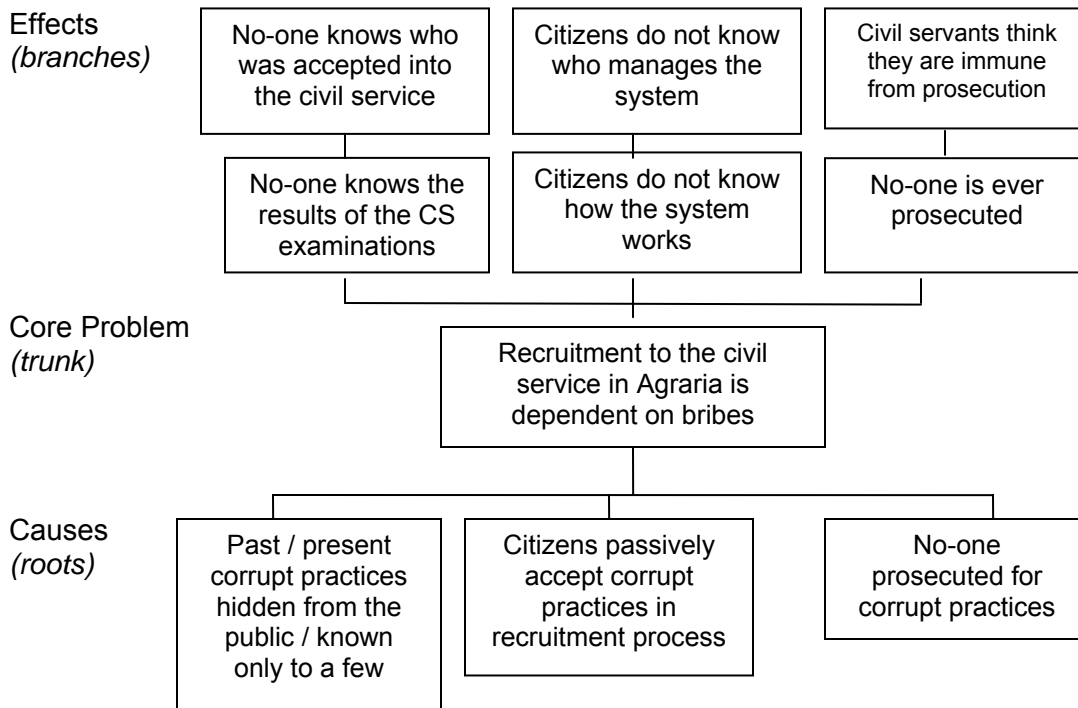
The task now is to take this disparate collection of problems and decide what is their relation to each other – which is the cause of the other, which is the effect of the other, and which is the main, core problem. The problems are displayed in the form of a Tree with a main trunk, branches, and roots.

The facilitator, with the help of the participants, attempts to group the cards according to (a) the Core Problem (that becomes the “trunk” of the tree), then (b) the Causes of that Core Problem, (that become the “roots” of the tree, and then (c) the Effects of that Core Problem (that become the “branches” of the tree. A more vivid visual display of a problem tree (not specifically concerning corruption issues) can be found in the Handbooks for Advocacy produced by Pact Cambodia in 2004.⁶⁸

This will take discussion, argument, trying out some ideas, changing them, checking for cause and result, getting group consensus. It may finally look like what follows:

⁶⁸ See www.pactworld.org and follow prompts to Pact Cambodia.

Problem Tree



Here the 11 problems cards are organised into 3 causes, leading to 1 Core Problem, leading to 6 effects.

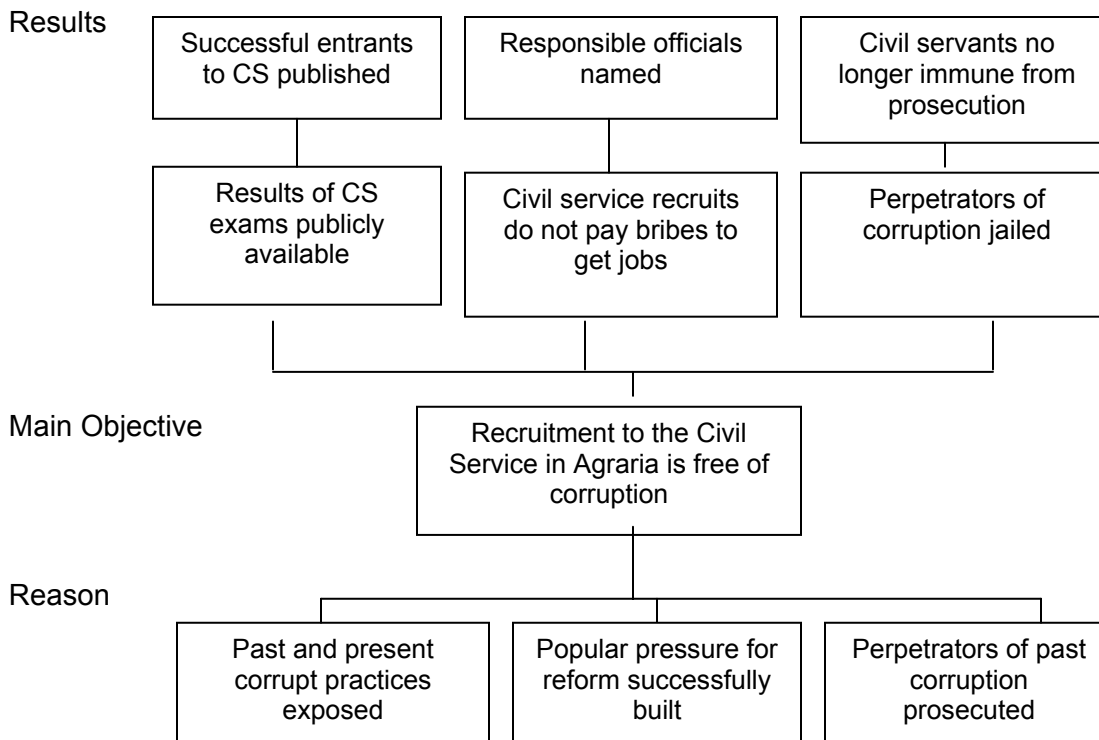
Once the Problem Tree is set up, the planning group should check their logic. Do the Causes logically lead to the Core Problem? Does the Core Problem result in the Effects that are shown? If there are some problems in the logic the group should discuss further, write some new cards until they think they have described the problems, and shown how they relate to each other.

4. Objectives Tree

Once the planning group has the Problem Tree settled, it should start to think about what it would like to see if those problems were overcome. The group should consider the future situation that might come about if those problems were solved. This is working towards the opposite of the problem tree, the Tree that would show all the problems solved. This is the Objectives Tree.

Here the cards represent the desired future states if the problems were solved. The facilitator helps the groups write new cards to take the place of each Problem Cards by picturing a desired future state and writing it down on a new card. Again the Facilitator gets the group's approval before finalizing any card. He removes the old cards and replaces them with new cards in the same relations to each other. What follows are the objectives cards.

Objectives Tree



The Objectives Tree now shows what our Anti-Corruption NGO wants to achieve. These objectives are built upon problems that a varied group of stakeholders has identified. At this time the group should also think about the length of time needed to achieve these objectives – which will discipline your thinking as you plan your program. For the purposes of this exercise, let us say 2 years.

5. Analysis of Alternative Strategies

We now have a number of different objectives or desired future states, and these can be handled through a number of different strategies. For instance: “Past and Present Corrupt Practices Exposed” suggests using Monitoring to identify information; “Popular Pressure for Reform Successfully Built” suggests an Advocacy strategy; while “Perpetrators of Past Corruption Prosecuted” suggests Strategic Litigation⁶⁹. These strategies need to be examined by the NGO to ascertain which objectives are within the power of the NGO to achieve, and which fit within the comparative advantage of that NGO in terms of human and financial resources and experience. This needs to be discussed by the planning team, and highlights the problem of NGOs “biting off more than they can chew”. If an NGO takes on all the strategies that are needed to achieve a particular objective, it is possible that it will fail because it does not have the competence to work on all those strategies at the same time. It is also possible that other NGOs may be much better placed than your NGO to do so.

⁶⁹ “Strategic Litigation” means using the law courts as the forum for test cases which are intended to produce significant judgements that will set precedents for the future. In the case of fighting corruption this would be test cases to establish a point of law about corrupt practices and their legal situation. For more on Strategic Litigation, see Chapter 7.

Let us, for the purposes of this exercise, agree that this particular NGO does not think it has the legal experience to handle the Objective “Perpetrators of past corruption prosecuted” through the strategy of Strategic Litigation. It realises the importance of this strategy contributing to the Main Objective, but thinks that some other organisation will have to perform that function because that organisation may have the required legal expertise. It therefore decides to work on the first two Reason Level Objectives and leaves out the third.

6. Making a Log Frame

Log Frames are simply schematic diagrams that show the important points that we have to consider in designing a program (and the relation these points have to each other). They consist of 4 columns and 4 rows as you can see below.

Objectives	Indicators of Success	Means of Verification	Assumptions / Risks
Goal			
Purpose	Outcomes		
Outputs 1 2 3 etc			
Activities 1.1. 1.2 1.3 2.1 etc.			

The different terms seen in the schematic diagram above are explained below:

- The *Goal* is the long-term objective to which the NGO and others are striving
- The *Purpose* is the intention of the program to which your NGO and others are contributing
- The *Outcome* is the long-term result of the work of the NGO on the people that this project is addressing if all the outputs have been successfully implemented
- The *Outputs* are the actions for which this program will be responsible and that will support the Outcome
- The *Activities* are the actions that need to be carried to ensure that the program delivers the Outputs
- The *Indicators of Success* are the indicators that show you that you have been successful in reaching that particular Objective
- The *Means of Verification* are the ways in which you can show that the Indicators of Success have been achieved
- The *Assumptions/Risks* are what you assume that others will do that are important to the success of this program, and your estimate of what might go wrong.

Let us now try and put the Agraria objectives into the Logframe and try to complete it.

6.1. Hierarchy of Objectives

1. The first step is to take the Main Objective from the Objectives Tree, and put it into the Objectives box in the Log frame at Purpose level
2. Then consider the Goal to which the objectives are leading. Discuss this with the stakeholders and, once you have agreed the long-term goal (similar to a Vision) for this program, put it into the Objective box at the Goal level.
3. Then look at the Reasons from the Objective Tree, and put them into the Outputs box. These are the results that your organisation is intending to be able to deliver.

This is as far as we can go with the information that we have produced up to now. The next stage is to brainstorm the Activities that are needed in order to make sure that the Outputs happen i.e. what will you actually do to make sure that you succeed in achieving the Outputs. Before we go to this next stage of brainstorming Activities, let us see our thinking thus far fitted into the Objectives column.

Hierarchy of Objectives (Goal, Purpose, Outputs)

Goal	The civil service recruitment process in Agronomia is conducted with accountability, transparency, and integrity.	<i>This is the purpose level objective taken to a higher (probably national) level</i>
Purpose	To make civil service recruitment in Agraria free of corruption within two years	<i>This is the Main Objective from the Objectives tree exercise and is our Mission for this program</i>
Outputs	1. Past and present corrupt practices are researched and exposed	<i>These are the Reasons from the Objectives Tree exercise limited to what is achievable by the NGO, with the Prosecution objective left out</i>
	2. A popular reform campaign is implemented against recruitment corruption	
Activities	1. Past and present corrupt practices are researched and exposed	Here we will have to think of activities that will result in the chosen outputs. <i>This requires another brainstorming exercise using cards and asking in turn for each of the Outputs: "What can we do to make sure that this output is achieved?"</i>
	1.1.	
	1.2.	
	1.3.	
	2. A popular reform campaign is implemented	
	2.1	
	2.2	
	2.3.	

Let us take these Outputs one by one and brainstorm Activities that will help us achieve these Outputs:

1. Past and present corrupt practices are researched and exposed
The group has to think and determine what activities could result in this Output. Again, there will be the writing of cards with suggestions, counter-suggestions, discussion, and compromises until there is a consensus on what the NGO can do that will be effective. It is very likely that the activities required here are those that fit into a strategy of monitoring.

Here are some suggestions for the kind of things that may come out of such brainstorming:

- *Find and document past and present recruits taking civil service exams and their exam results*
- *Get testimony of corruption from past and present bribe payers and receivers*
- *Get testimony of past (or present) civil servants about the system of corruption*

These ideas are seeking to get data that will influence people's understanding of the situation – i.e. activities that support a monitoring strategy.

2. Popular reform campaign implemented

As in 1 above, the group has to think what activities would result in this Output. Again there will be the writing of cards, suggestions, counter-suggestions, discussion, compromises until there is a consensus on what the NGO can do that will be effective. It is very likely that the activities required here are activities that will support a strategy of advocacy.

Here are some suggestions for the kind of things that may come out of such brainstorming.

- *Identify, recruit, and obtain high-level supporters of your reform effort*
- *Produce materials through all media (papers, radio, journals, street theatre, songs, public meetings etc) about recruitment corruption and its harmful effects*
- *Inform relevant offices of the Civil Service of your intentions to campaign against corruption in recruitment*
- *Build a pressure group for fair and honest recruitment.*

You may well have other ideas that come from your local experience and your local situation. These ideas are, in effect, supportive measures for an advocacy strategy.

Also consider sequencing – which activities need to take place before others. It is usually true that monitoring takes place before advocacy so that the information that has come from monitoring is a supportive element to the public information part of advocacy.

When you have gone through these processes, return to the Hierarchy of Objectives, add Activities and tighten up your plan so it might look something like this:

Hierarchy of Objectives (Goal, Purpose, Outputs and Activities)

Goal	The civil service recruitment process in Agronomia is conducted with accountability, transparency, and integrity.
Purpose	To make civil service recruitment in Agraria free of corruption in two years
Outputs	1. Past and present corrupt practices are researched and exposed 2. A popular reform campaign is implemented against recruitment corruption

Activities	1. <u>Past and present corrupt practices are researched and implemented</u> 1.1. Find and document past and present recruits taking civil service exams and their exam results 1.2. Get testimony of corruption from past and present bribe payers and receivers 1.3. Get testimony of past (or present) civil servants about the system of corruption
	2. <u>A popular reform campaign is implemented against recruitment corruption</u> 2.1. Identify, recruit and obtain high level supporters of your reform effort 2.2. Produce materials through all media (papers, radio, journals, street theatre, songs, public meetings etc) about recruitment corruption and its harmful effects 2.3. Inform relevant offices of the Civil Service of your intentions to campaign against corruption in recruitment 2.4. Build a pressure group for clean recruitment.

Now we have a full set of Objectives at every level. We are starting to produce a set of activities for the activists – with the important point that the activities are solidly linked to the objectives we need to reach in order to overcome the problems we have identified. The whole program is integrated.

The next step is to think about Assumptions and Risks

6.2. Assumptions/Risks

Assumptions are what we assume has to happen if our objectives are going to be reached at each level: risks are what we need to be aware of that may stop our objectives from being reached. This refers to what we may do, but also what others may do, and reminds us that we cannot control all factors. It also reminds us what we are taking for granted. The real world is not always the same as we think it is. It is very important for us to think of the things that could go wrong for which we are not responsible. The planning group needs to discuss and thrash these out. What follows are some suggestions for assumptions at the level of Activities, then Outputs, then Purpose, then Goal.

Identifying assumptions and risks also helps us think through what contributions others could make to help us. If we see, for instance, that we are assuming skilled media specialists are going to be available for a popular reform movement, then we know we have to think how to find such people, or how to build a coalition with another organisation that has such people. We assumed that such people were available, but a moment's reflection will make us realize that some action will be needed to make sure this is the case.

Assumptions/Risks at the level of **Activities** first

Activities	Possible Assumptions/Risks
1. <u>Past and present corrupt practices are researched and implemented</u> 1.1. Find and document past and present	Such information is still maintained

entrants to civil service exams and their exam results	
1.2. Get testimony of corruption from past and present bribe payers and takers	Such informants can be found
1.3 Get testimony of past (or present) civil servants about the system of corruption	Such informants can be found
2. <u>A popular reform campaign is implemented against recruitment corruption</u>	
2.1. Identify and recruit high level supporters of your reform effort	Such supporters can be found
2.2. Produce materials through all media (papers, radio, journals, street theatre, songs, public meetings etc) about recruitment corruption and its harmful effects	Skilled practitioners for these media can be identified
2.3. Inform relevant offices of the Civil Service of your intentions to campaign about corruption in recruitment	Such public attention will frighten civil servants
2.4. Build a pressure group for clean recruitment.	People can be found to be active members of such a group

Then Assumptions/Risks at the level of **Outputs**

Outputs	Possible Assumptions/Risks
1. Past and present corrupt practices are researched and exposed	We can obtain honest information about bribes paid previously and presently
2. A popular reform campaign is implemented	We believe that the citizens are fed up with present practices and can be mobilized for change

Then Assumptions/Risks at the level of **Purpose**, next:

Purpose	Assumptions/Risks
To make civil service recruitment in Agraria free of corruption in two years	Public pressure and exposure are strong enough weapons to dissuade civil servants from acting as before

Finally looking at Assumptions/Risks at the level of **Goal**

Goal	Assumptions/Risks
The civil service recruitment process in Agronomia is conducted with accountability, transparency, and integrity.	Agraria is capable of being replicated elsewhere in the country, and does not have specific unique features

When we have finished this exercise we will have realized that we cannot control all factors, and that we have made certain assumptions about how others are going to act. We have had to agree that these are realistic assumptions, and we also have to think if there is any way that we can make sure of this.

6.3. Indicators of Success and Means of Verification

Now we need to look at the other two columns from the Logframe on Page 107 that we have not touched as yet - **Indicators of Success** and **Means of Verification**

To help make sure that we do not assume success where there is no success or assume that we have achieved something when this has not, in fact, taken place, we need to consider what are the Indicators that we would accept as evidence that we have succeeded, and how we would verify that. Again the planning group needs to thrash these out.

Here are some suggestions for **Activities**

Activities	Possible Indicators of Success and Means of Verification (in brackets)
1. <u>Past and present corrupt practices are researched and implemented</u> 1.1. Find and document past and present entrants to civil service exams and their exam results 1.2. Get testimony of corruption from past and present bribe payers and takers 1.3. Get testimony of past (or present) civil servants about the system of corruption	Such information is in the public domain within 6 months (<i>printed documents</i>) Such information is in the public domain within 6 months (<i>printed documents</i>) Such information is within the public domain within six months (<i>printed documents</i>)
2. <u>A popular reform campaign is implemented against recruitment corruption</u> 2.1. Identify, recruit and obtain high level supporters of your reform effort 2.2. Produce materials through all media about recruitment corruption and its harmful effects 2.3. Inform relevant offices of the Civil Service of your intentions to campaign against corruption in recruitment 2.4. Build a pressure group for clean recruitment.	A high quality person joins the campaign within 6 months (<i>publicly announced</i>) Regular articles and materials appear from 6 months to 18 months and are well received by the public (<i>collection of articles and reports</i>) Circulars delivered to all relevant officials every 3 months for 2 years (<i>record of circulars and distribution</i>) A Membership of 50 people and regular activities carried out (<i>record of membership and activities</i>)

Some suggestions for **Outputs**

Outputs	Indicators
1. Past and present corrupt practices are researched and exposed	The public has access to information describing past and present practices (<i>information in the public domain</i>)
2. A popular reform campaign is implemented	Large numbers of the public are actively participating in a popular campaign (<i>membership or attendance lists, newspaper articles</i>)

Suggestions for **Purpose**, next:

Purpose	Indicators
To make civil service recruitment in Agraria free of corruption in two years	Citizens of Agraria can compete fairly with each other for civil service positions knowing they will be chosen on merit (<i>public opinion poll</i>)

Finally looking at suggestions for Indicators of Success for **Goal**

Goal	Indicator
The civil service recruitment process in Agronomia is conducted with accountability, transparency, and integrity.	The governments and the NGOs of other areas show interest in replicating Agraria <i>(visits from officials of other districts)</i>

The Log Frame

Now we have all the information that we need for a Log Frame and we can post it into the relevant box in the Log Frame where it is easy to see it all clearly. Please see the next page.

The Log Frame thus becomes a reference document for the NGO for its two-year program. The NGO can go back to it every month and see how it is doing against the Log Frame. It will also help the NGO to monitor and evaluate its programme. (Note that “monitoring” is used here as the process internal to the program to check whether it is doing what it said it would do. We also use throughout the book “Monitoring” to mean the process of gathering information pertinent to fighting corruption)

Figure 2: Log Frame for Making Civil Service Recruitment Free of Corruption in Agraria in 2 years

Objectives	Indicators of Success	Means of Verification	Assumptions/Risks
Goal The civil service recruitment process in Agronomia is conducted with accountability, transparency, and integrity.	The Governments and NGOs of other areas show interest in replicating Agraria	Visits from officials of other districts	Agraria is capable of being replicated elsewhere in the country, and does not have specific unique features
Purpose To make civil service recruitment in Agraria free of corruption in two years	Citizens of Agraria can compete fairly with each other for civil service positions knowing they will be chosen on merit	Public opinion poll	Public pressure and exposure are strong enough weapons to dissuade civil servants from acting as before
Outputs 1. Past and present corrupt practices are researched and exposed	The public has access to information concerning past and present practices	information in the public domain	We assume it is possible to get honest information about bribes paid previously and presently
2. A popular reform campaign is implemented against recruitment corruption	Large numbers of the public are actively participating in a popular campaign	membership or attendance lists, newspaper articles	We assume that the citizens are fed up with present practices and can be mobilized for change
Activities <u>1. Past and present corrupt practices are researched and exposed</u> 1.1. Find and document past and present entrants to civil service exams and their exam results 1.2. Get testimony of corruption from past and present bribe payers and takers 1.3. Get testimony of past (or present) civil servants about the system of corruption	Such information is in the public domain within 6 months Such information is in the public domain within 6 months Such information is within the public domain within six months	printed documents printed documents printed documents	Such information is still kept. Such informants can be found Such informants can be found
<u>2. Popular reform campaign implemented</u> 2.1. Identify and recruit high level supporters of your reform effort 2.2. Produce materials through all media about recruitment corruption and its harmful effects 2.3. Inform relevant offices of the Civil Service of your intentions to campaign about corruption in recruitment 2.4. Build a pressure group for clean recruitment.	A high quality person is recruited within 6 m. Regular articles and materials appear from 6 months to 18 months and are well received by the public Circulars delivered to all relevant officials every 3 months for 2 years A Membership of 50 people and regular activities carried out	publicly announced collection of articles and reports record of circulars and distribution record of membership and activities	Such supporters can be found Skilled practitioners for these media can be identified Such public attention will frighten civil servants People can be found to be active members of such a group

7. Workplanning

In order to manage a program well, you need a reference document like a Logframe, but you also need another document that will be able to help you keep your program on course on a weekly or monthly basis. This is a Workplan and is easily derived from the Logframe.

A Workplan will give you not only information on which activity is being done when (i.e. sequencing), but also such useful information as what tasks are needed to carry out each activity, who will be doing each activity, and the budget for each activity.

Let us look at the outline of a Workplan. This does not need the whole planning team, but is something that can be worked out by your NGO's staff once the Log frame has been agreed. This Workplan will give you guidance in how to carry out both your Monitoring Work and your Advocacy work.

Workplan format

Output	Activity	Task	Respon- sibility	Budget	Schedule							
					Year 1				Year 2			
					Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
1	1.1.	1.1.1.										
		1.1.2.										
	1.2.	1.2.1.										
		1.2.2.										
2	2.1.	2.1.1.										
		2.1.2.										
	2.2.	2.2.1.										
		2.2.2.										
Etc.												

1. Output: this is simply transferred from the Log Frame
2. Activity: this is simply transferred from the Log frame
3. Task: this is brainstormed by the staff. What separate tasks need to be done to make sure the activities are able to carried out?
4. Responsibility: who is going to be responsible for this task?
5. Budget: what will be the budget for this activity?
6. Schedule: when are these tasks to be carried out?

The Workplan is a very useful document to help the manager make sure that the work that what was planned is being done in the sequence that was planned, at the time that was planned, for the budget that was planned, and by the people that were planned. If things change inside your organisation, or in the world outside your organisation, then it is important to update the Workplan to fit with these changes. It is no use to keep an out of date and unrealistic workplan.

Please see the Workplan on the following page.

Summing Up

This concludes the section on an NGO's organisational capacities and competences. This Resource Book advises the organisations that are reading it to go through the three planning exercises suggested in order to make sure that you are ready, organisationally, to take on the task of combating corruption:

1. Legitimacy and Credibility Exercise (Annex 6/1 on page 137): Do you need to pay attention to any of these issues?

2. OCAT (annexes 6/3/4/5 on pages xxx to xxx): Are there any areas of competence which you need to work on?
3. GOPP (this chapter): can you construct a Log Frame to describe the program you want to accomplish?

If your GOPP planning exercise suggests activities in the Monitoring and Advocacy field as the right activities to achieve the objective of fighting corruption in your particular part of the world, and you think that you have the basic knowledge and experience to implement these two strategies (or commitment to acquiring them), then move on to Chapter 6: Monitoring, and Chapter 7: Advocacy, each of which will detail how to put these strategies into operation.

Output	Activity	Task	Responsibility	Budget	Schedule							
					Year 1				Year 2			
					Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
1. Past and present corrupt practices are researched and exposed	1.1 Find and Document past and present entrants to civil service exams and their exam results	1.1.1. Identify relevant people and files	X	\$...... ..	x	x						
		1.1.2. Request permission to read	X		x	x						
		1.1.3. Threaten exposure if no permission granted	x			x						
	1.2. Get testimony of corruption from past and present bribe payers and takers	1.2.1. Publicly request voluntary information	Y	\$......	x	x						
		1.2.2. Make personal visits	Y		x	x						
		1.2.3. Get affidavits of copies	Y		x	x						
	1.3. Get testimony of past (or present) civil servants about the system of corruption	1.2.1. Publicly request voluntary information	Y	\$......	x	x						
		1.2.2. Make personal visits	Y		x	x						
		1.2.3. Get affidavits of copies	Y			x						
2. A popular reform campaign implemented against recruitment corruption	2.1. Identify and recruit high level supporters of your reform effort	2.1.1. Make personal contacts	z	\$......	x							
		2.2.2. Develop TORs for the person	Z		x	x						
	2.2. Produce materials through all media about recruitment corruption and its harmful effects	2.2.1. Write newspaper articles	Z	\$......	x	x	x	x	x	x	x	x
		2.2.2. Go on radio talk shows	Z		x	x	x	x	x	x	x	x
		2.2.3. Hold public meetings	Z		x	x	x	x	x	x	x	x
	2.3. Inform relevant offices of the Civil Service of your intentions to campaign about corruption in recruitment	2.3.1. Get names and positions	Z	\$......	x							
		2.3.2. Letter signed by high person	Z		x	x						
		2.3.3. Produce regular update	Z		x	x	x	x	x	x	x	x
	2.4. Build a pressure group for clean recruitment.	2.4.1. Develop membership campaign	X	\$......	x	x	x	x	x	x		
		2.4.2. Develop list of activities	X		x	x	x	x	x	x	x	x

Annex 5/1

Legitimacy Check List

(from the “Advocacy Sourcebook” of Institute for Development research (IDR)
Boston, USA)

Rate your organisation’s credibility from 1 (low or poor) to 3 (high or excellent) on the following factors

	Rating
Size of Membership	_____
Status of Membership (e.g. professional status)	_____
Provider of Quality Services	_____
Links with client group or community	_____
Size/status of client group	_____
Mechanisms of internal accountability	_____
Links with funding agencies	_____
Links with supporter or affiliated bodies	_____
Status of Board members or patrons	_____
Perception of staff integrity and competence	_____
Perception of leaders' integrity and competence	_____
Links/contacts with government	_____
Executive	_____
Legislature/Parliament	_____
Agencies/Ministries	_____
Judiciary	_____
Police/Military	_____
Local government officials	_____
Contacts with political parties	_____
Quality of information: research, publications, briefings	_____
Recognised theoretical or practical experience in a given field	_____
Age of organisation	_____
Size of organisation	_____
Wealthy of organisation	_____
Efficiency of organisation	_____
Financial transparency of organisation	_____
Legally incorporated organisation	_____
Perceived independence of organisation	_____
Level of positive media exposure	_____
Level of public recognition of organisation	_____
Average	_____

Checklist of NGO Organisational Development

Characteristics of NGOs at different stages

	<i>Nascent Organisations</i>	<i>Emerging Organisations</i>	<i>Expanding Organisations</i>	<i>Mature Organisations</i>
GOVERNANCE				
Board	<ul style="list-style-type: none"> • No board of independent body is providing oversight • The Board does not differentiate between oversight and management roles • If the Board is beginning to provide oversight, it may not represent the interests of the constituency. • The Board is not assisting management to identify legislators, influence public opinion or raise funds 	<ul style="list-style-type: none"> • Members of the Board or independent body have been identified but have not yet assumed a leadership role. • The Board is attempting to micro-manage rather than provide oversight. • The Board is not influencing public opinion or legislators. • The Board is not aware of the needs of constituency or role it could play. 	<ul style="list-style-type: none"> • The Board's membership is stable and functioning. • The Board is able to differentiate between its role and that of management. • The Board has some members who are leaders in relevant fields but it lacks broader representation. • The Board is aware of its responsibility to provide oversight and represent the interests of constituents but is not consistently doing so. 	<ul style="list-style-type: none"> • The Board's composition includes leaders in the field of the NGO's mission as well as those capable of carrying out such roles as policy direction, fund-raising, public relations, or lobbying. • Mechanisms are in place to obtain appropriate input from constituency and to assure that organisational planning reflects Board policy.
Mission/ Goal	<ul style="list-style-type: none"> • The NGO has a vague idea of its mission and the contribution it is attempting to make • The Mission is understood by only one or a few members of the Board or senior management • The activities carried out by members of the NGO may have little relation to the mission 	<ul style="list-style-type: none"> • The mission may be clarified internally, but it is not widely understood by the public. • The mission is not reflected in planning or job functions. 	<ul style="list-style-type: none"> • The vision and mission are clear to staff, constituents and outsiders; strategies and objectives are in alignment with the mission. • Operational planning may be conducted by senior management and linked to the budgeting process but with little input from staff or constituents. 	<ul style="list-style-type: none"> • The NGO's vision of the future and specific mission are clear to staff, constituents and outsiders. • The NGO's strategies are aligned with the mission and state how it will be achieved. • Strategies are realistic in the context of the NGO's activities and can be translated into clear program objectives.
Constituency	<ul style="list-style-type: none"> • The NGO's links to its constituency are weak. • The NGO views its constituency as passive beneficiaries rather than as potential partners. • The NGO does not serve as an advocate for its constituency. 	<ul style="list-style-type: none"> • The NGO's outreach to its constituency is improving. • Certain influential members of the constituency may be consulted or invited to participate in some decisions because they are seen to have a stake in the outcome. • Some awareness exists of the possible role of the NGO as an advocate for the constituency 	<ul style="list-style-type: none"> • The NGO's constituency is well defined and its needs and views are considered in planning and decision-making. • The NGO is involved in lobbying and other advocacy functions on behalf of the constituency. • NGO support to build self-help capacities among constituents are still sporadic 	<ul style="list-style-type: none"> • The NGO's constituency is well defined and regularly involved in planning process. • The NGO recognises constituents as partners. • The NGO supports the creation of community structures and develops constituents' capacity in planning and decision-making • The NGO engages in advocacy and lobbying activities on behalf of constituents.

	<i>Nascent Organisations</i>	<i>Emerging Organisations</i>	<i>Expanding Organisations</i>	<i>Mature Organisations</i>
Leadership	<ul style="list-style-type: none"> • There is an individual or a few individuals in the NGO who control most functions. • Management style is directive and staff members provide primarily technical input. • Management does not articulate clearly to staff the NGO's purpose or individual staff members' contribution to the purpose. 	<ul style="list-style-type: none"> ▪ Most decisions are made by the Board, sometimes with input from one or two staff members. ▪ Staff has little understanding of how management makes decisions. • Leadership is still seen primarily as directive and controlling, rather than providing meaning and enabling self-direction to employees and monitoring their performance. 	<ul style="list-style-type: none"> • The NGO's links to its constituency are weak. • The NGO views its constituency as passive beneficiaries rather than as potential partners. • The NGO does not serve as an advocate for its constituency. 	<ul style="list-style-type: none"> • Senior management's relationship to staff is more consultative and management decisions are delegated. • Staff increasingly understands, but is not systematically involved, in decision-making. • Leadership understands that its primary role is to provide overall direction and monitor performance, but it is still concerned with control.
Legal Status	<ul style="list-style-type: none"> • The NGO may or not be legally registered and nor have obtained whatever fiduciary and taxation status is required by local law. • Management has yet to identify sources of legal, financial and labour management advice. 	<ul style="list-style-type: none"> • The NGO is registered but has not yet integrated financial and legal advice into planning and management decisions. • The NGO is not in compliance with some local reporting and labour requirements. 	<ul style="list-style-type: none"> • Appropriate expert advice is integrated into planning and management systems. • The NGO is generally in compliance with local reporting, tax and labour requirements. 	<ul style="list-style-type: none"> • Appropriate expert advice is fully integrated into management decisions. • The NGO is in full compliance with local reporting, tax and labour requirements. • The NGO assists constituency organisations to obtain the same legal status and compliance capacity.
MANAGEMENT PRACTICES				
Organ- isational Structures	<ul style="list-style-type: none"> • The NGO has no clearly defined organisational structure and lines of authority and responsibility are not clearly defined. 	<ul style="list-style-type: none"> • The NGO has a defined organisational structure but line of authority remain unclear and authority tends to be exercised by an individual or a few individuals. 	<ul style="list-style-type: none"> • The NGO has a defined organisational structure with clear lines of authority and responsibility. • The administration of the NGO places emphasis on the areas of responsibility but does not confer the necessary authority on individuals to permit them to operate effectively. • The NGO is not effectively incorporating the organisational structure into assigned tasks nor using it to evaluate staff performance. 	<ul style="list-style-type: none"> • The NGO has a defined organisational structure with clear lines of authority and responsibility. • The NGO's organisational structure has been implemented and is incorporated into job descriptions and work assignments. • The NGO's organisational structure is used in supervisory sessions and performance evaluations.
Informational Systems	<ul style="list-style-type: none"> • No system exists within the NGO to collect, analyse or disseminate data. • Information is collected randomly and manually. 	<ul style="list-style-type: none"> • A rudimentary electronic Management Information System (MIS) is in place but it is not accessible to all staff. • Data utilisation potential is not understood. • Computers are used primarily for word-processing and book-keeping. 	<ul style="list-style-type: none"> • An MIS is operational and most staff have access to it. • The MIS is still primarily used for word-processing and book-keeping but individual staff understand and use data on an ad hoc basis. • There is no mechanism for integrating MIS information into the NGO's planning process. 	<ul style="list-style-type: none"> • The MIS has the capacity to store and process baseline and survey data. • Data analysis capability is relatively sophisticated. • There is improved project planning based on analysis of data provided by the MIS. • MIS data has been integrated into operational planning and decision-making.

	<i>Nascent Organisations</i>	<i>Emerging Organisations</i>	<i>Expanding Organisations</i>	<i>Mature Organisations</i>
Admin- istrative Procedures	<ul style="list-style-type: none"> Administrative procedures are informal and NGO staff lack a common understanding of them. 	<ul style="list-style-type: none"> Administrative procedures are increasingly formalised. Filing and recording systems are not being fully utilised. No administrative manual exists. 	<ul style="list-style-type: none"> Administrative systems are formalised and functioning. An administrative manual exists but it is not referred to regularly. 	<ul style="list-style-type: none"> Administrative procedures are well defined, flexible and used to clarify situations. The Administrative manual is included in the strategic review process and updated as needed.
Personnel	<ul style="list-style-type: none"> There are no formal personnel procedures to administer salaries and benefits or to record personnel data. Formal employment procedures do not exist. 	<ul style="list-style-type: none"> Basic personnel administration systems exist but informal employment practices continue. Positions are not advertised externally and there are no common NGO-wide procedures for determining qualifications for employment, recruitment, hiring, and termination. 	<ul style="list-style-type: none"> All necessary personnel systems are formalised and implemented. Occasionally informal mechanisms are used. The strategic value of human resources and the need to integrate personnel practices into the strategic planning process are not fully understood. 	<ul style="list-style-type: none"> Personnel systems are understood by all staff. Staff opinion of human resource policies and procedures is regularly sought. Formal employment practices are uniformly followed and regularly reviewed to ensure consistency with the mission and policies of the NGO.
Planning	<ul style="list-style-type: none"> Some planning is carried out but with limited input from staff and constituents. Decisions are made and activities planned without reference to the agreed-upon strategies to achieve the mission. There is little assessment of the resources required to undertake activities. One or a few people may make decisions and plan activities, giving little explanation to those responsible for implementation. 	<ul style="list-style-type: none"> Annual operating plans are developed and reviewed primarily by senior staff without reference to the previous year's planning, analysis of resource availability, or other factors that could affect implementation. Annual plans are developed with little or no input from constituents or staff. 	<ul style="list-style-type: none"> Strategic and short-term planning is conducted primarily by senior management. Staff and constituents may have some input in the planning but they are not involved in decision-making. There is occasional review of workplans. 	<ul style="list-style-type: none"> There is an annual review of the NGO's achievements and an analysis of resource availability. All parts of the organisation develop annual operating plans aligned with the NGO's mission and strategies. There is regular review of long-term plans.
Program Devpt.	<ul style="list-style-type: none"> Program development is largely donor or staff-driven and funded and it is managed on a project-by-project basis. Program design, implementation, and monitoring and evaluation, if done, are carried out based on the donor's requirements. Often the donor's system is not well understood, is poorly implemented and badly managed. 	<ul style="list-style-type: none"> Individual projects are developed within an overall programmatic framework. Occasional evaluations are conducted at the request of donors and undertaken by outsiders. Constituents are involved only as recipients of a program. No comprehensive system exists for determining the purpose and objectives of program/projects or for monitoring and evaluation. 	<ul style="list-style-type: none"> A comprehensive system exists for program development and implementation. This system is sometimes one imposed by the donor or one that has been developed by the NGO itself. Either system can provide the information required by the donor and allows for monitoring and evaluation to be carried out by the staff. Constituents are consulted on program design and involved in implementation and evaluation. 	<ul style="list-style-type: none"> Constituents serve as partners in program design, implementation and evaluation. Key indicators have been identified for monitoring and evaluation. Lessons learned from M&E are applied to future activities.

	<i>Nascent Organisations</i>	<i>Emerging Organisations</i>	<i>Expanding Organisations</i>	<i>Mature Organisations</i>
Program Reporting	<ul style="list-style-type: none"> • The NGO does not report on the results of activities or evaluations to constituents. The NGO is not sharing information based on lessons learned from activities and evaluations. 	<ul style="list-style-type: none"> • The NGO provides information on activities and evaluations only when requested or required by a donor. • The NGO shares information on lessons learned only as required. 	<ul style="list-style-type: none"> • The NGO occasionally publishes the results of its activities and evaluations but it does not have a system for distribution. • The NGO does not yet have an effective system through which to share information on lessons learned from its experience. 	<ul style="list-style-type: none"> • The NGO has a system in place to regularly publish and distribute information to donors, constituents, government and other interested NGOs on the results of its activities and other relevant issues.
HUMAN RESOURCES				
Human Resource Devpt.	<ul style="list-style-type: none"> • The NGO conducts no systematic assessment of staff performance on which to plan for changes or improvements. • The NGO is unable to plan for change to improve the performance of individuals through better work planning, training, development and promotion. • There is little or no understanding of the relationship between staff performance and the achievement of NGO objectives. 	<ul style="list-style-type: none"> • There is a better match between staff responsibilities and skill requirements. • A staff evaluation system may exist but it is not necessarily based on job performance. • The NGO has identified resources with which to conduct ad hoc training of staff. 	<ul style="list-style-type: none"> • The NGO has a performance-based appraisal system in place. • Staff are assigned and promoted according to their job performance. • Staff development needs are assessed and used to develop training plan. 	<ul style="list-style-type: none"> • A performance-based management system exists to meet the needs of the NGO's human resource development. • Training plans are regularly updated according to the performance improvement and career development needs of the staff, and a human resource development plan exists. • The human resource development plan is integrated with the NGO's strategic plan.
Staff Roles	<ul style="list-style-type: none"> • The NGO has no particular process to determine the relationship between human resource needs and program objectives. • The roles and job responsibilities of existing staff are unclear and changeable. • The limited staff are expected to carry out responsibilities beyond their expertise and some essential tasks are not done by anyone. • Job descriptions and work responsibilities are not documented. • Job performance is not assessed and there is no planning done to improve the performance of staff through better work planning, training, development or promotion. • The relationship between staff performance and the achievement of NGO program objectives is not understood. 	<ul style="list-style-type: none"> • The NGO has no process of analysis to identify work requirements and job functions. • There is beginning to be a link between senior staff responsibilities and their expertise but some gaps continue to exist in skill requirements. • Job descriptions do exist, usually based on a supervisor's idea of the work to be accomplished. • A staff evaluation system may exist but it is not necessarily based on job performance as defined in a job description. • The NGO has identified some resources for ad hoc training of staff. 	<ul style="list-style-type: none"> • Jobs are well defined and documented in job descriptions and work assignments. • All core skills required to perform job functions exist within the NGO. • A performance-based appraisal system is in place and staff are assigned and promoted according to their performance. • Some human resource planning does take place but is still not integrated with job performance or the strategic planning process. • A training plan exists based on an assessment of staff development needs. 	<ul style="list-style-type: none"> • The NGO conducts, reviews and updates an organisation-wide analysis of work requirements. • This analysis of work is linked to the NGO's planning priorities and serves as the basis for work assignments. • All skill areas required to carry out the NGO's work are covered by staff and the resources exist to contract out for other needed skills. • Staff performance is monitored and decisions about training and promotion are based on ability and needs. • Human resources planning is integrated with the NGO's strategic plan.

	<i>Nascent Organisations</i>	<i>Emerging Organisations</i>	<i>Expanding Organisations</i>	<i>Mature Organisations</i>
Work Organisation	<ul style="list-style-type: none"> • There is little understanding of the necessity to organise work beyond the issuing of directives. • No mechanisms are in place to co-ordinate work activities of different staff. • There is little understanding of the need to work as a team or what it means. • Meetings are irregular, dominated by interests of a few, and do not have a pre-determined purpose and agenda, nor do they not reach concrete conclusions. • Staff provides technical input only and are not involved or informed of decisions. • No formally recognised lines or mechanisms exist for intra-NGO communication. 	<ul style="list-style-type: none"> • Work is organised by supervisors. • Little attention is paid to work flow or to consciously organising work beyond work plans. • Individual, unit or project work plans are developed but these plans are not co-ordinated across functions. • Regular meetings of staff are conducted according to known procedures. • Selected staff are consulted on some decisions. • Intra-NGO communication is conducted on informal basis. • Consciousness is developing on part of staff and management that communication breakdowns and overlaps occur. 	<ul style="list-style-type: none"> • A variety of work methods are utilised. • Staff are recognised as being able to make useful suggestions about how their own work should be organised. • Team work is encouraged and work plans are shared across units and work sites. • Communications are open and inter-hierarchical. • Staff knows how to participate in meetings and are aware of how decisions are made. • Mechanisms exist for vertical and horizontal communication and link organisational unit/project structures. 	<ul style="list-style-type: none"> • Staff teams are self-directed and organise their work around a clear understanding of the NGO's mission and strategies. • Staff is skilled in, and appropriately use, a variety of techniques and methods to meet the NGO's program objectives. • There is a formal mechanism in place for inter-team planning, co-ordination and work review. • Staff is able to shape the way in which they participate with management in making decisions about planning and program implementation. • Constituents are involved with management in making decisions that directly impact them.
Diversity Issues	<ul style="list-style-type: none"> • The staff and Board do not represent the diversity of their constituency or the interests of their stakeholders. • Women receive different status than men and their particular needs are not yet addressed. 	<ul style="list-style-type: none"> • No policy exists but among some levels of the NGO there is some awareness of and interest in the value and need for representation of the various members of the constituency. 	<ul style="list-style-type: none"> • Policies exist to diversify the Board and staff but their composition does not yet fully reflect that of the constituents. 	<ul style="list-style-type: none"> • The composition of the Board and staff fully represent gender and other diversity among constituents.
Supervisory Practices	<ul style="list-style-type: none"> • Relationships among staff members are not yet recognised as an important factor that can impact achievement of the NGO's program objectives. • Conflict among staff members or constituents is not effectively dealt with. • There is little or no awareness of the available practices and techniques with which to develop the NGO's organisational capacities. 	<ul style="list-style-type: none"> • There is some awareness of the importance of staff being able to work together and with diverse groups but it is not yet understood that these skills can be taught and such activities managed. • Some supervisors attempt to mediate conflict but techniques and mechanisms for conflict resolution are not understood. 	<ul style="list-style-type: none"> • The NGO has established and documented grievance procedures. • Some supervisors have received training in mediation techniques and inter-personal and group work skills. 	<ul style="list-style-type: none"> • Supervisors recognise organisational development as an important NGO management function. • The NGO has established policies and methods to develop skills, manage relationships and measure performance. • The NGO understands that clear work assignments and good implementation by self-directed staff usually results in fewer conflicts. • Staff has been trained in conflict recognition and resolution techniques.
Salary and Benefits	<ul style="list-style-type: none"> • The NGO has not developed a mutually understood system of staff salaries and benefits. • Jobs have not been classified internally according to required skills and responsibility. • Staff salaries are not based on work requirements or the level of performance. 	<ul style="list-style-type: none"> • The staff salary and benefit system is based on position and responsibility. • Salaries not necessarily competitive with those in the external market. 	<ul style="list-style-type: none"> • Jobs have been classified and salaries established according to a system established by the NGO and understood by staff. • Salary increases are based on job performance. 	<ul style="list-style-type: none"> • The NGO's salary and benefit system is sufficiently competitive to attract and retain skilled and competent staff.

	<i>Nascent Organisations</i>	<i>Emerging Organisations</i>	<i>Expanding Organisations</i>	<i>Mature Organisations</i>
FINANCIAL RESOURCES				
Accounting	<ul style="list-style-type: none"> • The NGO's financial procedures are incomplete. • The NGO's accounts are not yet set up for individual projects and operating funds are not separate. • The NGO's financial reports are incomplete, difficult to understand, and not being produced in a timely way. 	<ul style="list-style-type: none"> • Basic financial recording systems are in place. • Account categories exist and project funds are separated but some cross-project funding takes place. • Financial reports are clearer but still incomplete and with errors. • Financial reports are usually produced on time. 	<ul style="list-style-type: none"> • Financial reports are clear and complete, even as the NGO's funding sources become more complex and varied. • Most of the NGO's funds are separated and it generally tries to avoid cross-project financing. 	<ul style="list-style-type: none"> • The NGO has separate project funds and adequate controls exist to avoid funding across projects. • Reporting and data system is able to provide useful and timely financial information. • Reports are timely and accurate and provide information useful to the financial planning process.
Budgeting	<ul style="list-style-type: none"> • Budgets are inadequate or if they do exist are produced because required by donors • Their use as a management tool is not understood, and the reliability of the projections questionable. 	<ul style="list-style-type: none"> • Budgets are developed for project activities, but are often over or underspent by more than 20% • The executive director or accountant are the only staff who know and understand budget information 	<ul style="list-style-type: none"> • Total expenditure is usually within 20% of budget, but actual activity often diverges from budget projections. • Department and organisational unit heads are consulted by financial manager(s) about budget planning and expenditures. 	<ul style="list-style-type: none"> • The NGO's budgets are integral to project management and adjusted as required by project implementation developments. • The budgeting process is integrated with an annual operating planning process. • Senior staff is responsible for preparation, justification and management of project budgets.
Financial/ Inventory Controls	<ul style="list-style-type: none"> • The NGO has no clear procedures for handling payables and receivables nor do stock controls exist. • Audits or external financial reviews are not performed. 	<ul style="list-style-type: none"> • The NGO has established financial controls but has not yet implemented procedures. • Independent audits or external financial reviews are rarely performed and only at the request of a donor. 	<ul style="list-style-type: none"> • The NGO has adequate financial and stock control systems. • Independent audits or external financial reviews are performed periodically at donor request. 	<ul style="list-style-type: none"> • The NGO has an excellent system for stock and cash controls and for payables and receivables. • Independent audits or external financial reviews are performed regularly and appropriately.
Financial Reporting	<ul style="list-style-type: none"> • The NGO has no system for reporting on its financial status. • If financial reports are produced, they are donor-driven. • Financial reports are not accurate, complete or timely. 	<ul style="list-style-type: none"> • The NGO has a system in place to produce financial reports but these are still produced in response to donor demand. • Financial reports are not timely or complete enough to be used in long-term planning. 	<ul style="list-style-type: none"> • The NGO occasionally produces accurate and complete financial reports, which it makes available to the Board and management. • The NGO uses financial reports, when available, in long-term planning. 	<ul style="list-style-type: none"> • The NGO regularly produces accurate, complete and timely financial reports, which it makes available to all appropriate levels. • The NGO uses financial reports in developing long-term plans.
SERVICE DELIVERY				
Sectoral Expertise	<ul style="list-style-type: none"> • The NGO has little operational or program experience. • The NGO has no sectoral expertise or track record. • The NGO has some good ideas about how to meet needs of targeted constituencies. 	<ul style="list-style-type: none"> • The NGO has growing expertise in its targeted sector. • The NGO has the capacity to access additional expertise in the area of expertise as required. 	<ul style="list-style-type: none"> • The NGO is recognised as having significant expertise in its targeted sector and is being invited to contribute to sectoral discussions. • The NGO is able to deliver effective and appropriate services • The NGO is beginning to build fee-for-service and other cost recovery mechanisms into its service delivery. 	<ul style="list-style-type: none"> • The NGO is able to adapt program and other service delivery capacities to reflect the changing needs of its constituency. • The NGO is beginning to extend service delivery to other constituents. • The NGO is recognised as an expert in its sector by donors, government and other NGOs.

	<i>Nascent Organisations</i>	<i>Emerging Organisations</i>	<i>Expanding Organisations</i>	<i>Mature Organisations</i>
Constit- uency Ownership	<ul style="list-style-type: none"> • The NGO's services are defined by donors or managers with no involvement from its constituency. • The NGO has no plan to support the development of its constituents organisational capacity as an objective for sustainability. • The NGO is not providing capacity-building training/technical assistance to its constituents. 	<ul style="list-style-type: none"> • The NGO seeks constituent input into defining services but does not do so in a systematic or comprehensive manner. • The NGO has identified resources for ad hoc training of constituents in program or technical areas. • The NGO has not identified resources to support organisational capacity-building of its constituents. 	<ul style="list-style-type: none"> • The NGO has mechanisms in place to involve its constituents in project planning and implementation and monitoring and evaluation. • The NGO has plans to transfer management responsibilities to constituents and to provide training and organisational development support to build its capacity. 	<ul style="list-style-type: none"> • The NGO considers its constituents to be equal partners in defining services to be provided and in the management of projects. • The NGO updates its training and organisational development plans according to the improved performance and capacity building needs of its constituency.
Impact Assessment	<ul style="list-style-type: none"> • The NGO does not have a system to monitor and evaluate program/project achievements. • The NGO has no mechanism with which to determine impact indicators, establish baseline measures or assess the impact of its activities. 	<ul style="list-style-type: none"> • The NGO is able to evaluate individual projects to determine if projected activities took place as planned and if specific project objectives were achieved. • The NGO has no baseline data or system to monitor its activities. 	<ul style="list-style-type: none"> • The NGO has not identified indicators or collected baseline data with which to monitor project activities. • The NGO is aware of the need to develop project sustainability and measure impact but has not established a system. 	<ul style="list-style-type: none"> • The NGO has identified indicators of success for each project goal and carries out activities to gather baseline data that is used to measure project impact. • The NGO has a plan to sustain its program achievements and transfer ownership for activities or services to constituents.
EXTERNAL RELATIONS				
Constit- uency Relations	<ul style="list-style-type: none"> • The NGO's agenda is largely donor and management driven with little or no input from its constituents. • The NGO is located in an urban centre and its headquarters are a long distance from where it carries out activities, making it difficult to involve constituents effectively. • The NGO develops systems and programs in a top-down manner. 	<ul style="list-style-type: none"> • The NGO's work is focused in the field and it is viewed as an ally by constituents. • The NGO has credibility with its target constituency and with donors interested in the same program areas. 	<ul style="list-style-type: none"> • The NGO operates from a field project site. • The NGO involves constituents in decision- making. • The NGO views constituents as being responsible for providing counterpart resources. • The NGO provides resources to enable constituents to develop organisational capacity. 	<ul style="list-style-type: none"> • The NGO is seen as a valuable resource by its constituents. • By being field based, the NGO is able to effectively integrate constituency input into management and program decisions. • The NGO regards its constituency as a full partner.
Inter-NGO Collaboratio n	<ul style="list-style-type: none"> • The NGO does not have experience in working with other NGOs, either local or international. • The NGO is not known or trusted by the NGO community. • The NGO has no plans to work in collaboration with other NGOs active in the same region or same sector. 	<ul style="list-style-type: none"> • The NGO is increasingly known and trusted by others in the NGO community but as yet has little experience in working collaboratively with others. 	<ul style="list-style-type: none"> • The NGO works with international or other local NGOs. • The NGO participates in and supports NGO networks but as yet does not play a leadership role in any NGO coalitions. 	<ul style="list-style-type: none"> • The NGO plays a leadership role in promoting coalitions and participates in a formal association of NGOs. • The NGO can help mediate NGO-NGO or NGO-Government conflicts.

	<i>Nascent Organisations</i>	<i>Emerging Organisations</i>	<i>Expanding Organisations</i>	<i>Mature Organisations</i>
Government Collaboration	<ul style="list-style-type: none"> • The NGO's relationship with government is adversarial. • The NGO does not collaborate with government agencies working in the same sectors or geographical area. • The NGO has little understanding of its role in advocacy or development of public policy. 	<ul style="list-style-type: none"> • The NGO has identified common interests that it shares with government and relations are friendly. • The NGO collaborates with different government agencies or representatives on issues or activities in specific sectors. 	<ul style="list-style-type: none"> • The NGO's relationship with government is friendly and often informal. • The NGO is sometimes called upon by government to carry out specific projects or collaborate on sectoral issues. 	<ul style="list-style-type: none"> • The NGO is seen as a full and credible partner by the government. • The NGO has formal mechanisms that it uses to collaborate with government, donors and other NGOs. • The NGO provides input into policy making on issues related to its area of expertise.
Donor Collaboration	<ul style="list-style-type: none"> • The NGO sees donors as a source of financing activities and has not yet developed a relationship or made contributions to donor forums or agendas. 	<ul style="list-style-type: none"> • The NGO has received funding from donors but has yet to establish a track record or to acquire sufficient credibility to be invited to participate in donor forums. 	<ul style="list-style-type: none"> • The NGO has a proven track record and established its credibility and is invited by donors to contribute to discussions on sectoral issues. 	<ul style="list-style-type: none"> • The NGO is viewed as an authority and leader in its sector of expertise and is considered a spokesperson and resource by donors.
Public Relations	<ul style="list-style-type: none"> • The NGO is not well-known outside the range of its activities or constituents. • The NGO has no clear image that it articulates or presents to the public. • The NGO has not prepared a document for dissemination that provides information about its objectives or activities. 	<ul style="list-style-type: none"> • The NGO is known in its own community, but does little to promote its activities with the public or with key governmental decision makers. • The NGO understands that public relations are important but has no ability to carry out PR activities. 	<ul style="list-style-type: none"> • The NGO has limited contact with key decision-makers and has limited lines of communication with the public. • The NGO has clear ideas on issues but has yet to develop them into a policy platform. 	<ul style="list-style-type: none"> • The NGO has a clear image and message and a policy platform. • The work of the NGO is well-known to the public and policy makers, and it is able to use this reputation to attract support when necessary. • The NGO is able to engage decision-makers in dialogue on policy issues and may have identified Board and staff members to fulfil this function.
Local Resources	<ul style="list-style-type: none"> • The NGO tends to view the private business sector with suspicion and distrust. • The NGO does not work in co-operation with any part of the private sector to draw on resources, technical expertise or influence. • The NGO's programs are not based on local resource availability. 	<ul style="list-style-type: none"> • The NGO has begun to identify local volunteer support in addition to that which it receives from the constituency. • The NGO seeks technical assistance from some private sector and government resources. • The NGO purchases goods and services from the private sector. 	<ul style="list-style-type: none"> • The NGO draws support from the local private sector and government agencies but project sustainability still depends on continued support from external donors. • The NGO has recruited individuals from the private business sector to serve on its Board or as technical advisors. 	<ul style="list-style-type: none"> • The NGO's projects are supported by local entities who contribute to project results and their sustainability. • The NGO has staff members who are aware of and have contacts within the private business sector and among donors. • Collaboration between the NGO and the private business sector is strong and the NGO is considered a community development partner.
Media	<ul style="list-style-type: none"> • The NGO has no relationship with nor is its work well known to the media 	<ul style="list-style-type: none"> • The NGO's activities are not known outside of its constituency. • The NGO does not yet know how to access or use media to inform the public about its work. 	<ul style="list-style-type: none"> • The NGO has contacts in the media that it uses when it wishes to inform the public about an important issue. 	<ul style="list-style-type: none"> • The NGO knows how to work collaboratively with the media. • The NGO is well known and its opinions and experience are solicited by the media. • The NGO uses the media as a means to inform the public about its work and/or mount public education campaigns.

	<i>Nascent Organisations</i>	<i>Emerging Organisations</i>	<i>Expanding Organisations</i>	<i>Mature Organisations</i>
SUSTAINABILITY				
Program/ Benefit Sustainability	<ul style="list-style-type: none"> • The NGO's constituents do not see or feel that they benefit from services or programs. • The NGO has no understanding or plan for continuity. • The NGO is not working with local institutions. 	<ul style="list-style-type: none"> • The NGO's constituency recognises the benefits from services and programs but does not yet have the means to continue them without assistance from the NGO. • The NGO has yet to develop relationships with and is not providing capacity building assistance to local organisations. 	<ul style="list-style-type: none"> • The NGO's constituency recognises the benefits of and is involved in decision-making for services and programs but does not yet have the mechanisms to continue them without assistance from the NGO. • The NGO has developed relationships with local organisations and is providing Training/TA to build capacity but as yet has no phasing-out strategies. 	<ul style="list-style-type: none"> • The NGO's program activities are important to and owned by the constituents. • The NGO program activities can continue due to behavioural changes in the constituency. • The NGO has developed systems for short and long-term continuity. • The NGO has developed relations with local organisations and phasing out strategies.
Organization al Sustainability	<ul style="list-style-type: none"> • The NGO lacks a shared vision and skills to interact with other development partners in civil society. • The NGO has no understanding of its role as a partner in development. • The NGO is not involved in coalitions, networks or umbrella organisations. 	<ul style="list-style-type: none"> • The NGO has a shared vision but as yet lacks the understanding and skills to interact with other development partners. • The NGO is a member of coalitions and networks but is not yet able to provide leadership. 	<ul style="list-style-type: none"> • The NGO has a clear vision of its role and the skills to participate in development activities. • The NGO participates in NGO networks and coalitions but it not yet playing a leadership role in the NGO community. • The NGO is acknowledged to have expertise in a sector but is not recognised as a leader or consulted by donors or government. 	<ul style="list-style-type: none"> • The NGO has a clear vision and understanding of its role as a development partner in building civil society. • The NGO is a leader in forming coalitions and networks with other local NGOs and participates in activities concerning the NGO sector. • The NGO has developed relationships with universities, research institutions and international NGOs.
Financial Sustainability	<ul style="list-style-type: none"> • The NGO has limited capacity to access funding and does not recognise the need to diversify its resource base. • The NGO has limited capacity to develop project funding proposals. 	<ul style="list-style-type: none"> • The NGO has begun to understand the need to develop alternative resources but has no concrete direction or plan. • The NGO has no relations with local government or private business sector organisations. • The NGO is able to develop project funding proposals but does not have ready access to the donor community. 	<ul style="list-style-type: none"> • The NGO has begun to explore alternative resources through developing relationships with government and the private business sector. • The NGO has secured alternative resources such as in-kind and commodities donations and membership fees. • The NGO has begun to diversify its funding base and to develop cost-recovery mechanisms and programs. 	<ul style="list-style-type: none"> • The NGO has a developed and diversified resources base to continue longer-term activities. • The NGO had developed fee-for-services and/or other cost-recovery mechanisms built into service delivery. • The NGO has developed and relies on local support for its ongoing activities.

Annex 5/3

How to use Organizational Capacity Assessment Tools for NGOs

Identifying the organizational capacities of an Ideal NGO and assessing your NGO against that ideal.

(taken from various publications of Pact inc, of Washington DC, USA - www.pactworld.org)

Organizational Capacity Assessment for NGOs

This document provides an example of a tool by which NGOs, or those working with NGOs, can identify what they consider to be the model of what an NGO should be, and how their NGO measures up against this model. It can be adapted to different kinds of NGOs (examples are given here of a general NGO, a monitoring NGO, and an Advocacy NGO).

It enables an NGO to identify its strengths and weaknesses against this model as an important first step in diagnosing the reasons for these strengths and weaknesses, and in planning for the technical, managerial or organizational development interventions that are required to improve the organizational capacity of the NGO. It is not, by any means, the only tool for this purpose, but has proved itself useful in a number of countries in the world, and is offered for local modification. It is based on the idea that there are many common denominators in the organizational components of NGOs, together with some local variations.

Origins

Pact Inc. used the **Organizational Capacity Assessment Tool** developed in Ethiopia as its starting point. Pact has further developed versions of this tool (generically called OCAT) in Botswana, Madagascar, Angola, and Zambia and is continually applying and modifying this tool in other countries of the world.

This tool is being offered as a contribution to the development of the NGO sector for any organization that is interested in building the capacity of the NGO sector in a particular country, building the capacity of a particular NGO, or building the capacity of a particular kind of NGO.

Conceptual Background

From the Donor Perspective: It is usual for NGO donors to look at NGOs as vehicles for project implementation. In such cases the donor is interested in whether the NGO can carry out the project under discussion, and it will try and ascertain the capacities of the NGO in relation to that project.

Many commentators have decried this practice, and encouraged rather the development of the NGO as an organization that may be able to handle a variety of projects over time, and may be able to develop its own programs and projects, once the particular project (and project funding) under discussion is completed. Moreover examining the capacity of an NGO to carry out a particular project may not give the donor a rounded understanding of the NGOs competence when it may well have other donors who are asking it to carry out other projects at the same time.

From the NGO perspective: NGOs are also interested in their own organizational development, in their own progress towards organizational competence and sustainability. They want to develop beyond the requirements that a donor has of them for a particular project.

While those interested in the organizational development of NGOs (and the NGO sector) are able to diagnose strengths and weaknesses of an NGO by a participatory research, enquiry and investigation

process, this process is limited by the lack of an agreed model of what an ideal NGO should look like. In many cases in Africa there is not a long history of NGOs, and no established tradition of the roles and responsibilities of NGOs. At the same time there is often increasing pressure from Governments and Donors to push NGOs into particular roles. An important part of organizational capacity assessment is to establish the model against which you are assessing capacity.

Both donors and NGOs should, therefore, have an interest in developing an understanding of the parameters of a complete and healthy NGO. There is great value in a tool that will help them to understand the elements of an NGO with well-rounded capacity, and that will help them to assess their NGO against this model.

What it is, and what it is not

What it is: this tool is designed for intermediary NGOs that take funds from some source in order to implement programs and deliver services to their target group. It is not designed for CSOs that are membership groups helping their own members.

It is a tool that is designed to be used by an organization in participation with a facilitator who is experienced in its use. It should be accompanied by objective fact finding in cases where the questions have a factual basis, and by detailed discussions in cases where the questions provoke argument. The advantages of this tool is that it offers a quantifiable way of recording organizational strengths and weaknesses at a particular point in time, thus offering the organization the possibility of repeating the exercise at another point in time and noting the changes, for the better or worse.

What it is not: this tool is not a "one size fits all" kind of tool, not a panacea for all problems. It is based on a model put forward as a basis for discussion, a model whose elements need to be interpreted and corroborated (or modified) in each case with each organization. Experience has shown that the exercise of deciding what an ideal NGO should look like is a very important learning exercise for the NGO, as important as the subsequent exercise of assessing the organization against the model.

Suggestions for use

Time, place, and facilitator:

The NGO that is interested in the use of this tool should arrange at least a two day meeting for this purpose, and should engage a facilitator who has some experience in the process of organizational capacity assessment, and who has prepared himself/herself by studying this exercise. The place should be one without interruptions where participants can concentrate on the job in hand.

Participants:

The usual primary stakeholders in an NGO are the Board, the staff, the volunteers, and the target group or beneficiaries. Secondary stakeholders are donors and the Government. The exercise is most useful for the Board, staff, and volunteers because they know the organization well. Certain parts of the exercise are very relevant to the target group and beneficiaries, but other parts are probably beyond their experience. The exercise is best done by all parties in one place together.

Introduction:

The Facilitator should explain that the meeting is intended to help the organization to agree on what they should look like, and then to assess how near or far they are to this model. From the results of this exercise they will be able to work out for themselves what areas of their organization they need to work on in order to make improvements. The exercise is not, however, going straight to the areas felt as problems by the NGO: it starts with an overview of the NGOs "Health". The facilitator is like the doctor who looks at vital signs (blood, urine, breathing, heartbeat etc.) to get an overview of the

person's health before diagnosing problems. In this case, however, the facilitator is working with the person so that they can together examine the elements of their organizational health. The exercise is not a competition with prizes for best results. It is an examination of the present situation, in order to help plan for improvements.

Components of a healthy organization:

The facilitator introduces the basic components of a healthy organization, which follow - and says that experience has shown that these elements are required by an effective and sustainable organization. Participants may disagree, and will have the chance to disagree in the exercise, but these components are put forward as the basic structure for the exercise. The facilitator says that all issues important to the organization will find a place in this structure, but if they do not, there will be an opportunity for the participants to modify this structure.

Organisational Capacity Assessment Tool – Components and Sub-Components	
1. Governance Executive Committee/Board/Trustees Vision/Mission Constituency Leadership Legal Status	2. Management Practices Organizational Structure Information systems Administrative procedures Personnel Planning Program development Program Reporting
3. Human Resources Human Resource Development Staff Roles Work Organization Diversity Issues Supervisory practices Salaries and Benefits	4. Financial Resources Accounting Budgets Financial and Inventory controls Financial Reporting
5. Mission Competence Sectoral Expertise Constituency Ownership Impact assessment	6. External Relations Constituency relations Inter-NGO collaboration Government collaboration Donor relations Public Relations Local Resources The Media
7. Sustainability Project/Program Benefit Sustainability Organizational sustainability Financial Sustainability Resource base Sustainability Involvement in NGO fora	

Introduction to and use of the questionnaire:

The facilitator passes out the List of Indicators (see Annexes 6/4, 6/5, 6/6 that follow) and asks people to write their role in the organization (Board, staff, volunteer, target group / beneficiary) on the paper - not their name. The facilitator explains that he/she will read out a statement that is concerned with each component (or sub-component) of the questionnaire.

Before doing this, however, it is useful if the Facilitator can encourage discussion around the particular capacity area (sub-component) before he requests scoring, to make sure that the participants understand the statements. He/she can ask what happens in the organisation when someone is selected for training, for instance - before discussing Human Resource Development. He/she can ask about the last Board Meeting before discussing Governance. Such questions and discussions (called "critical incidents") will ground people to the reality of their organisation and lessen any tendency towards wishful thinking.

Once the "critical incident" discussion is over, he/she will read out the statement and ask the following questions:

- a. Is the statement clear and understandable? (If not, this needs to be clarified - and maybe re-stated. Try putting it into the vernacular as a way of getting clarity)
- b. Is the statement relevant to this organization? (If some participants think it is not, probe with others to make sure that this is a genuinely irrelevant question, and not just a difficult question that one section of the participants would like to have removed.) If the question is agreed to be irrelevant, then ask everyone to strike it through on their paper.
- c. Please circle the number that best reflects your feeling about this statement in relation to the organization? The answers should be from 1 (needs urgent attention and improvement) to 5 (No need for immediate improvement) as follows:

Score	Interpretation
1	This issue in the NGO needs urgent attention and improvement
2	This issue needs attention and could be improved
3	This issue needs to be further examined
4	This issue is basically well-handled
5	On this issue there is no need for immediate improvement

At the end of each section or component the facilitator asks whether this has covered the topic, or whether there are other topics that the participants think require an indicator statement and a score. Make sure that this does not overlap later statements.

At the end of the whole exercise the facilitator asks the same question - Has this exercise covered all the elements of a healthy NGO? If someone suggests a new indicator, the facilitator asks for discussion, and, if there is general agreement, formulates a new statement, asks everyone to write it in the appropriate section, and score it. An example might be on the topic of a pro-women policy, for instance. Such an indicator does not appear in the following OCATs but in a country where women are oppressed, might be considered an important extra indicator for a healthy NGO.

Possible responses:

- a. In many cases it is possible (or even likely) that participants will be surprised at what is suggested for the ideal NGO (for instance – ‘Any changes in administrative procedures are discussed with the NGO's staff’- see 2.3.2. in the questionnaire). The subject then needs to be debated - what happens when this is not the case, what happens when this is the case? The debate should continue, until there is agreement that such a feature is indeed a part of a model NGO, or not (it can be taken to a vote if there is no consensus). If it is agreed it can be scored: if not it must be struck out.

- b. In some cases participants will agree that something is important for a large NGO, but not for them. They should still be asked to score it, emphasizing that this is not a test, but building a consensus. Their NGO may well grow bigger in time.

Collecting and Displaying Totals:

After the participants have gone through the whole questionnaire, (with whatever extra questions or deletions are agreed) the participants are asked to total their scores for each sub-section, and divide by the number of questions in each sub-section. Scores will thus be somewhere along a spectrum from 0 to 5 for each sub-section (round up to one decimal place).

The facilitator will then gather the scores from the participants - either openly or in confidence, and total an average score for that sub-sector that he/she displays to the participants.

The Facilitator then explains the ideas of stages of an NGO's capacity. These stages (Nascent, Emerging, Expanding, Mature) illustrate growth in organizational competence, and can give participants an idea of where their NGO is situated.

Nascent:	The NGO is at the earliest stages of development. All the components measured are in rudimentary form or non-existent.
Emerging:	The NGO is developing some capacity. Structures for governance, management practices, human resources, financial resources, and service delivery are in place and functioning
Expanding:	The NGO has a track record of achievement: its work is recognized by its constituency, the government, the private business sector, and other NGOs active in the same sector.
Mature:	The NGO is fully functioning and sustainable, with a diversified resource base and partnership relationships with national and international networks.

The facilitator then asks the participants to total their scores for each section (7 in all) and get an average for each section. In the same way, each participant's scores will be gathered and the facilitator can display the average score that the participants have given for each section. It works best if these scores can be displayed visually - as a bar graph, for instance – both for the main components, and for the sub-components. It is important to re-iterate that these are their scores, no-one else is making up these scores about them.

Component	1				2				3				4				5			
Governance																				
Management practices																				
Human Resources																				
Financial Resources																				
Mission Competence																				
External Relations																				
Sustainability																				

Example of Sub-component

Mission Competence	1				2				3				4				5			
Sectoral Expertise																				
Constituency ownership																				
Impact Assessment																				

The Facilitator may also find it useful to disaggregate the scores by each of the four groups of participants (Board, staff, volunteers, clients/beneficiaries) and display these totals to the whole group and ask for comments.

It is useful if the scoring is done in one day, and the discussion of the results on the next day. This gives the facilitator the evening to do the calculations and develop the bar charts.

Debating the Results and the Significance of the Results:

At this point begins the most useful part of the workshop. Participants reflect on which sections (or sub-sections) have the lowest scores (i.e. signifying that they are the issues on which the greatest amount of improvement is needed by the organization). They also debate any differences in the results between the different groups of participants. They deliberate why and how this is so, and they think what can be done to try and improve the organization's competence in that area.

The facilitator should pay attention to any places where the scoring is wildly different between individuals or between groups. It may display different perceptions, but it is more likely to display misunderstanding of the statement.

Cross-Checking and Ground Truthing:

Certain information referred to in the statements in the questionnaire e.g. those referring to financial accounts, reports, legal registration etc, are not subjective - but are demonstrable facts. The facilitator should consider the value of checking on these physically (e.g. looking for the audit documents) as a follow up to the questionnaire exercise, particularly where the organisation has scored itself high, but where the facilitator knows there are problems.

Looking for Changes over Time:

If the questionnaire results in recommendations for capacity building interventions that will help improve the weak areas of the NGO, then it is important to see if these interventions have had any impact. The same exercise can be undertaken in 2 or 3 years time, for instance, and the scoring compared over the two periods to see whether the participants think that things have improved.

Annex 5/4

General Purpose Organisational Capacity Assessment (OCAT)

See Annex 6/3 for instructions on how to carry out an OCAT exercise

1. Governance

1.1. Executive Committee/Board/Trustees

- | | | |
|--------|--|-----------|
| 1.1.1. | An independent governing body (Executive Committee/Board/Trustees) provides oversight to the NGO | 1 2 3 4 5 |
| 1.1.2. | The Executive Committee/Board/Trustees makes policy for the NGO | 1 2 3 4 5 |
| 1.1.3. | The Executive Committee/Board/Trustees represent the interests of the constituency | 1 2 3 4 5 |
| 1.1.4. | The Board helps the NGO with fund-raising, public relations, lobbying | 1 2 3 4 5 |
| 1.1.5. | The Board makes sure that the NGO's activities reflect Board policy. | 1 2 3 4 5 |

1.2. Vision/Mission

- | | | |
|--------|---|-----------|
| 1.2.1. | There is a clear and understandable vision and mission for the NGO | 1 2 3 4 5 |
| 1.2.2. | The Vision and Mission are clearly understood by the staff, the Board/Executive Committee/Trustees, the constituents, the volunteers, and sympathetic outsiders | 1 2 3 4 5 |
| 1.2.3. | The activities of the NGO reflect and focus the vision and mission of the NGO | 1 2 3 4 5 |

1.3. Constituency

- | | | |
|--------|--|-----------|
| 1.3.1. | The NGO has a recognized constituency | 1 2 3 4 5 |
| 1.3.2. | The NGO has regular and participatory links to its constituency | 1 2 3 4 5 |
| 1.3.3. | The NGO helps the constituency to manage their on affairs | 1 2 3 4 5 |
| 1.3.4. | The NGO recognizes its constituency as partners in its work | 1 2 3 4 5 |
| 1.3.5. | The NGO combines advocacy for its constituents along with its service delivery work. | 1 2 3 4 5 |

1.4. Leadership

- | | | |
|--------|---|-----------|
| 1.4.1. | The NGO is clear about the functions of the Director and the functions of the Executive Committee/Board/Trustees. | 1 2 3 4 5 |
| 1.4.2. | Decisions are clearly communicated to those they affect | 1 2 3 4 5 |
| 1.4.3. | Leaders take decisions after consultation with those who will be affected | 1 2 3 4 5 |
| 1.4.4. | Leaders help staff understand their contribution to the NGOs mission/purpose. | 1 2 3 4 5 |

1.5. Legal Status

- | | | |
|--------|---|-----------|
| 1.5.1. | The NGO is legally established. | 1 2 3 4 5 |
| 1.5.2. | The NGO complies with all the legal requirements of its legal identity and registration | 1 2 3 4 5 |
| 1.5.3. | The NGO is aware of any concessions and allowances that it has a right to (tax etc.) | 1 2 3 4 5 |

2. Management Practices

2.1. Organizational Structure

- | | | |
|--------|---|-----------|
| 2.1.1. | The NGO has a clear and communicated organizational structure | 1 2 3 4 5 |
| 2.1.2. | The staff of the NGO have clear job descriptions | 1 2 3 4 5 |
| 2.1.3. | The Job Descriptions are used in staff appraisal | 1 2 3 4 5 |

2.2. Information Systems

- | | | |
|--------|---|-----------|
| 2.2.1. | The NGO collects base line information about its constituency before starting work | 1 2 3 4 5 |
| 2.2.2. | The NGO has a regular system for collecting information on their program activities | 1 2 3 4 5 |
| 2.2.3. | The NGO regularly collects information on the impact of its work following the base line information. | 1 2 3 4 5 |
| 2.2.4. | The information collected guides the program review and the development of new programs. | 1 2 3 4 5 |
| 2.2.5. | The information collected is used in advocacy on behalf of the constituency. | 1 2 3 4 5 |

2.3. Administrative Procedures

- | | | |
|--------|--|-----------|
| 2.3.1. | The NGO's administrative procedures are clearly stated, and are communicated to all staff. | 1 2 3 4 5 |
| 2.3.2. | Any changes in administrative procedures are discussed with the NGO's staff. | 1 2 3 4 5 |

2.4. Personnel

- | | | |
|--------|---|-----------|
| 2.4.1. | The NGO has written terms and conditions of service for its board, staff, and volunteers, and keeps to them | 1 2 3 4 5 |
| 2.4.2. | Hiring and firing of staff should be implemented by the Director following consultation | 1 2 3 4 5 |

2.5. Planning

- | | | |
|--------|--|-----------|
| 2.5.1. | The NGO's plans are consistent with its mission and strategy | 1 2 3 4 5 |
| 2.5.2. | Planning has a great deal of input from the staff and constituency, particularly those who will be implementing the plans. | 1 2 3 4 5 |
| 2.5.3. | Planning is carried out based on available resources | 1 2 3 4 5 |
| 2.5.4. | The NGO's plans are reviewed regularly. | 1 2 3 4 5 |

2.6. Program Development

- | | | |
|--------|--|-----------|
| 2.6.1. | the NGO designs and implements a program based on its own assessment of the need, and of its own competence. | 1 2 3 4 5 |
| 2.6.2. | The development of a program includes a regular review of the program | 1 2 3 4 5 |
| 2.6.3. | The NGO involves its constituency in program design and implementation | 1 2 3 4 5 |
| 2.6.4. | The NGO identifies indicators of program success | 1 2 3 4 5 |

2.7. Program Reporting

- | | | |
|--------|--|-----------|
| 2.7.1. | The NGO reports on its work (in a variety of styles) to its donors, to its constituency, to NGO's involved in the same kind of work, to the local council, involved government ministries/departments, to MPS. | 1 2 3 4 5 |
| 2.7.2. | When the NGO has a particularly interesting experience, it communicates this to other involved people and organizations. | 1 2 3 4 5 |

3. Human Resources

3.1. Human Resource Development

- | | | |
|--------|--|-----------|
| 3.1.1. | NGOs have regular staff appraisals | 1 2 3 4 5 |
| 3.1.2. | Training opportunities are linked to the requirements of staff and their ability to improve the NGO's performance | 1 2 3 4 5 |
| 3.1.3. | Staff capacity assessments are carried out regularly and guide management in the ways they organize development activities | 1 2 3 4 5 |

3.2.	Staff Roles	
3.2.1.	Staff have clear job descriptions and responsibilities and these are observed by management	1 2 3 4 5
3.2.2.	The management analyses the work that needs to be done and allocates it according to the skills of the staff.	1 2 3 4 5
3.2.3.	The NGO identifies ways of improving staff skills where gaps have been identified.	1 2 3 4 5
3.3	Work Organization	
3.3.1.	The NGO holds effective, efficient, and productive staff meetings	1 2 3 4 5
3.3.2.	Staff do not simply wait for orders, but plan their own work, and consult with others about it.	1 2 3 4 5
3.3.3.	The NGO holds regular inter-staff meetings	1 2 3 4 5
3.4.	Diversity issues	
3.4.1.	The NGO's board and staff has members from both sexes.	1 2 3 4 5
3.4.2.	The Board and Staff consult the NGO's constituency, but not all sectors of the constituency are represented in the staff and Board.	1 2 3 4 5
3.5.	Supervisory Practices	
3.5.1.	The NGO pays attention to cordial and productive relations amongst staff.	1 2 3 4 5
3.5.2.	Conflict is dealt with quickly, firmly and fairly	1 2 3 4 5
3.5.3.	Staff members feel free to discuss problems with their fellow workers openly.	1 2 3 4 5
3.6.	Salaries and Benefits	
3.6.1.	The NGO pays salaries and benefits at the rate prevailing in private industry, with increased and improved benefits for the lowest paid.	1 2 3 4 5
3.6.2.	The NGO's staff are aware that they are working for the disadvantaged, and do not look to the NGO as a source of wealth.	1 2 3 4 5
3.6.3.	The highest salary in the NGO is not more than 5 times the lowest salary in the NGO (although there is an allowance for responsibility	1 2 3 4 5
4.	Financial Resources	
4.1.	Accounting	
4.1.1.	The NGO keeps good, accurate, timely and informative accounts	1 2 3 4 5
4.1.2.	The Director and the senior staff are able to understand the NGO's accounts	1 2 3 4 5
4.1.3.	Separate projects have separate accounts	1 2 3 4 5
4.1.4.	Financial information is used in future planning.	1 2 3 4 5
4.2.	Budgets	
4.2.1.	The NGO prepares annual budgets and uses them as a management tool for monitoring expenditure against budget.	1 2 3 4 5
4.2.2.	The Budgets are planned/drafted by those responsible for spending them, but the final authority lies with the Director and the Board.	1 2 3 4 5
4.3.	Financial and Inventory Controls	
4.3.1.	The NGO keeps clear records for payables, receivables, stock, and inventory	1 2 3 4 5
4.3.2.	The NGO has an external audit (unless its annual expenditure is quite small)	1 2 3 4 5
4.4.	Financial Reporting	
4.4.1.	The NGO produces accurate financial accounts annually, not later than three months after the end of the financial year.	1 2 3 4 5

- | | | |
|--------|--|-----------|
| 4.4.2. | The NGO uses the financial report for future planning | 1 2 3 4 5 |
| 4.4.3. | The NGO copies its financial report to the Board, the Donor(s), the registering Authority, and makes it available to the public. | 1 2 3 4 5 |

5. Mission Competence

5.1 Sectoral Expertise

- | | | |
|--------|--|-----------|
| 5.1.1. | The NGO contains people with experience and expertise in the relevant field. | 1 2 3 4 5 |
| 5.1.2. | The NGOs is able to adapt itself to the changing needs of its constituents | 1 2 3 4 5 |
| 5.1.3. | The NGO is prepared to expand where this is indicated. | 1 2 3 4 5 |

5.2. Constituency Ownership

- | | | |
|--------|--|-----------|
| 5.2.1. | The NGO dialogues with the constituency, but also brings its own experience and expertise to bear. | 1 2 3 4 5 |
| 5.2.2. | The NGO helps its constituency to become self-reliant, and do without the NGO | 1 2 3 4 5 |

5.3. Impact Assessment

- | | | |
|--------|---|-----------|
| 5.3.1. | The NGO has a system in place to monitor and evaluate its program/project achievement. | 1 2 3 4 5 |
| 5.3.2. | The NGO knows how to get baseline data, develop indicators, monitor progress against indicators, and evaluate programs. | 1 2 3 4 5 |

6. External Relations

6.1. Constituency Relations

- | | | |
|--------|--|-----------|
| 6.1.1. | The NGO is accessible to its constituency | 1 2 3 4 5 |
| 6.1.2. | The NGO listens to its constituency and does not operate in a top-down manner. | 1 2 3 4 5 |

6.2. Inter-NGO Collaboration

- | | | |
|--------|--|-----------|
| 6.2.1. | The NGO belongs to inter-NGO organizations/networks in its own sector. | 1 2 3 4 5 |
| 6.2.2. | The NGO is ready to consider belonging to coalitions of NGOs in their own area, in the country as a whole, or for a limited objective. | 1 2 3 4 5 |
| 6.2.3. | The NGO is respected by its peer organizations | 1 2 3 4 5 |

6.3. Government Collaboration

- | | | |
|--------|---|-----------|
| 6.3.1. | The NGO is seen as a full and credible partner by the Government | 1 2 3 4 5 |
| 6.3.2. | The NGO collaborates with the government in the same sector and in the same geographical area | 1 2 3 4 5 |
| 6.3.3. | The NGO puts forward advocacy suggestions to the Government | 1 2 3 4 5 |

6.4. Donor Relations

- | | | |
|--------|---|-----------|
| 6.4.1. | The NGO has a relationship of mutual respect with the donor | 1 2 3 4 5 |
|--------|---|-----------|

6.5. Public Relations

- | | | |
|--------|---|-----------|
| 6.5.1. | The NGO has, and makes available a public information document on itself. | 1 2 3 4 5 |
| 6.5.2. | The NGO is well-known for its activities in its own area. | 1 2 3 4 5 |

6.6. Local Resources

- | | | |
|--------|---|-----------|
| 6.6.1. | The NGO has good relations with the private business sector | 1 2 3 4 5 |
| 6.6.2. | The NGO accesses local resources | 1 2 3 4 5 |

6.7.	The Media	
6.7.1.	The NGO is known to the media and is respected by them	1 2 3 4 5
6.7.2.	The NGO introduces itself to the media	1 2 3 4 5

7. Sustainability

7.1. Project/Benefit Sustainability

7.1.1.	The NGO systematically checks with the constituents that they have received benefits from the NGO	1 2 3 4 5
7.1.2.	The constituency acknowledges that they have benefited from the NGOs program	1 2 3 4 5
7.1.3.	The NGO works with local organizations and institutions	1 2 3 4 5
7.1.4.	The NGO has plans for its own continuity.	1 2 3 4 5

7.2 Organizational Sustainability

7.2.1.	The NGO builds partnerships with other organizations	1 2 3 4 5
7.2.2.	The NGO understands what its role and the role of others is in development	1 2 3 4 5
7.2.3.	The NGO is involved in coalitions, networks, and umbrella organizations.	1 2 3 4 5
7.2.4.	The NGO has links to specialized institutions that may be useful to it.	1 2 3 4 5

7.3. Financial Sustainability

7.3.1.	The NGO is able to explain its need for funds to potential donors	1 2 3 4 5
7.3.2.	The NGO realizes the need for a variety of both foreign and local funding sources	1 2 3 4 5
7.3.3.	The NGO has a varied resource base.	1 2 3 4 5

7.4. Resource Base Sustainability

7.4.1.	The NGO realizes the importance of financial sustainability	1 2 3 4 5
7.4.2.	The NGO has some savings and reserves to cushion it at a time of funding shortfall	1 2 3 4 5
7.4.3.	The NGO has a variety of funding sources.	1 2 3 4 5

Chapter 6

How Best to Fight Corruption through Monitoring

Assessing whether monitoring is the right tool for the job, deciding what and how to monitor, working with the subject collaboratively or independently, accessing information, setting up a monitoring exercise, data collection techniques (both primary and secondary), credibility, information bias, ethical considerations, data management and data analysis, information classification, publication of data, risks in undertaking monitoring, and achieving the monitoring objectives of the Agraria scenario.

Assessing whether Monitoring is the Appropriate Tool

Before undertaking a monitoring exercise the NGO should assess whether it is the tool that will help it reach the objectives that it has identified. By undertaking a monitoring project what the NGO is trying to demonstrate is the difference between what should be happening and what is actually going on in the chosen area. The process of gathering data and the outputs of the monitoring exercise should make clear the difference between actual and rhetorical for the NGO's target audience. It may be that there is ample diagnostic evidence already available in the country where the NGO is working, and there is no need for a specific monitoring and information gathering exercise. It is more likely, however, that this is not the case, and monitoring will be required.

A project to monitor corruption should aim to:

- Demonstrate that a system, a process or a law is not effective or is not being implemented
- Identify where the points of failure exist
- Identify the mechanisms by which corruption operates
- Formulate clear recommendations to tackle the corruption identified

The following assessments will help the NGO to determine whether monitoring is the appropriate tool:

- Does the NGO have access to the information that is needed?
- Can the NGO gather the information in a time period that will really help change to come about?
- Is the NGO the best organisation to undertake the monitoring? (in some cases, subcontracting a specialist or a local organisation with in-depth knowledge on the issue may be a better option)
- Does the NGO have the human resources (i.e. the trained people) available to undertake the monitoring? (If it does not, maybe the NGO's role should be to advocate for a monitoring project to be set up by someone else that the NGO can then assist)
- Is financing for a monitoring project available (and able to be sustained)?

Each of the considerations above may have a different weight depending on the circumstances of a particular NGO. Each NGO should examine its own situation and determine whether there are other strategic issues that it is best suited to handle.

What and How to Monitor

Since corruption is difficult to document and prove, many monitoring exercises will not aim to identify specific cases of corruption, but rather to identify patterns of events or results that are not what would have been expected given existing regulations or other defined processes. For example, you would expect that competing bids for government contracts

would be relatively close. If there is a pattern that one bid is dramatically lower than all the rest, and it is the one that is awarded the contract, it is likely that there is corruption involved. You are not documenting corruption, you are documenting aberrant behaviour that suggests corruption.

Defining your methodology by identifying what patterns of events or results you want to monitor will be one of the crucial steps in setting up a workable monitoring exercise. This will depend on the way that you have drawn up your objectives.

Go back to the process suggested in the previous section for identifying objectives. This suggested looking at problems first, then arranging those problems in a cause and effect relationship, then finally turning the problems into desired future situations or objectives. When this exercise is carried out for the particular field in which the NGO is working, it is very likely that one or two of the objectives lend themselves to monitoring, which was defined in Chapter 2 as:

Monitoring is a broad term, used in many contexts, that describes various stages of collection, verification, and analysis by NGOs of information concerning public interest issues, including civil, political, social, and economic rights.

Once the NGO has identified one or two objectives that lend themselves to monitoring, then the NGO needs to think about what and how to monitor. At the end of this chapter we will follow through with the monitoring possibilities of the Agraria example introduced in the last chapter, but first, to illustrate the concept, we will look at a variety of different monitoring possibilities in three fresh examples - two of which are available in Chapter 9 as Case Studies.

Example 1: Civil Monitoring of Presidential Decree 95 of 2001 ⁷⁰

In Georgia, Presidential Decree 95 of 2001 required that the State implement preliminary anticorruption measures. Over 20 non-governmental organizations, skeptical that this was a serious commitment from the state, decided to monitor the implementation of the decree and this was conducted at both the central and local levels.

Each of the 17 Articles of the decree was categorised by the NGOs into six different areas of NGO expertise and a team with the relevant experience was assigned to plan how to monitor the actions appropriate to each article in the decree.

For example, Article 7 (a), dealt with the problems of the increasing numbers of illegal police road blocks that demanded levies. The article required that by April 15, 2001, the Minister of the Interior had to submit a list of measures that should be implemented by June 1, 2001 that would:

- Eliminate permanent traffic police posts on the highways of Georgia
- Provide patrolling mobile police traffic services to control the observance of traffic rules on the territory of Georgia
- Eliminate the stopping of vehicles, except in the cases of violation of traffic rules or the existence of a reasonable probability of a committed crime.

What to monitor.

In this example what to monitor can be taken directly from the text of the decree itself. What the decree requires in article 7(a) is that 'a list of measures to be carried out is submitted'. What should be monitored is whether these lists of measures were submitted or not. Analyzing what is in the proposed list of measures is a separate issue.

⁷⁰ For the full case study, please see Chapter 9, Case Study 2

What is also important in this case is that the decree fixed a date by which certain actions were to have been taken. This gives a timeframe for the monitoring activities. While the monitoring project we describe here covered actions required by all 17 Articles of the decree, the monitoring of Article 7(a) requires that someone check the date at which the information was submitted, and by what date the measures were implemented.

How to monitor:

This might be done by formally requesting copies the 'list of measures' required by article 7(a) of the decree. This request could be made from the body to which they should have been submitted. This assumes that the monitoring group of NGOs has a recognised right to a copy of this document, or, if not, that there is an agreement with the government department responsible that it will share this information with the monitoring organizations concerned. The team working on the implementation of this particular section of the decree should establish that a copy of the list would be made available prior to the deadline.

If access to the information is thought to be a problem then arguments should be prepared before the deadline. The information on the freedom of access to information section (see Annex 7/1) may be useful in preparing some of these arguments. In some cases direct, but formal, contact with the department charged with receiving the list may also lead to obtaining the information required.

It is better to go to the body to which the list has been submitted rather than the Ministry of the Interior as they may give the monitor a list that was not forwarded as required by set procedures. This means that the list obtained might not bind the Ministry of the Interior to action as the list of measures held by the monitor has not passed through the official process outlined by the Decree.

This is a relatively simple example, whereby the Monitoring NGO's task is simply to make sure that a list is submitted and on time. The description, however, shows how there may be many ways in which this simple task may be blocked when we are talking about relations between NGOs and the Government on anti-corruption matters.

Example 2: Privatization of Slovak Telecom⁷¹

Privatization in Slovakia is considered to be an activity vulnerable to corruption. Between 1990 and 1994 the bulk of state enterprises privatized by the government went to friends and family members, in processes that were neither transparent nor strictly regulated. More recently companies privatized between 1994-1998 were sold to foreign owners without realizing a profit for the state. The new government (1998-2002) promised to increase transparency of the privatization process, and monitoring by an independent third party was one of the proposed actions.

One of the most important parts of the privatization process was the selection of an Advisor to advise the government who to choose as the Strategic Partner. This partner would be able to buy 51% or more of the shares of the company. In preparation for the selection of a Strategic Partner for Slovak Telecom, the Ministry of Transport, Post Offices and Telecommunications set up a Steering Committee that was charged with selecting an advisor and invited TI Slovakia to contribute to the transparency of the process by monitoring it.

What to Monitor

The TI Slovakia team decided to monitor:

- The submitting of bids by potential advisors

⁷¹ See Case Study 2 in Chapter 9

- The opening of bids
- The signing of conflict of interest statements by Steering Committee members
- The evaluations of the different bids by Steering Committee members
- The discussion of the results of the bids and the Advisor selection

How to Monitor

Because the Ministry had formally invited TI Slovakia to monitor the process of Adviser selection, they had complete freedom to be part of the process and were given access to documents and meetings. Here was a situation in which the Ministry itself wanted to clean up the situation. Following their monitoring of the process, TI Slovakia made a report with the following key points:

- More attention should be paid to the criteria for the selection of the Steering Committee members
- The names of the Steering Committee members should be made public
- The Terms of Reference should be expressed in very clear language and translated into Slovak from English
- All information shared with one bidder should be shared with all bidders

TI Slovakia's report caused a stir, made people more conscious of the need for transparency, and resulted in the State Secretary responsible and the Minister resigning.

Example 3: Mark Ups of Car Licensing in Indonesia

In Indonesia the Police are responsible for issuing vehicle licenses, and a tariff for these licenses is agreed by the Ministry of the Interior and displayed at the special offices where licenses are issued. Public gossip is that the Police always require a higher payment than that publicly displayed, while only providing a receipt for the official price. Public gossip is also that a demand to only pay the official price means that your application is processed very slowly, if at all, and may well get "lost".

In response to public statements by the Police that they were intent on combating corruption in the police force, *Tempo* magazine in Jakarta decided to test the Police commitment by investigating this particular issue.

What to Monitor

The *Tempo* journalist decided that he wanted to monitor the number of people who applied for car licenses in one day at one of the special offices for that purpose, and the amount of money that they paid. Since the receipts were largely questionable, and since he had no hope of collaboration from the Police, he monitored the customers and their experience covertly, rather than through the official process.

How to Monitor

The journalist soon discovered that the "customers" were nearly always agents, touts or intermediaries ("chalo" in Indonesian) who had been hired by members of the public to handle the process for them. In such cases the touts were in collusion with the Police concerning the price, and had already advised their customers what to pay. The monitoring consisted of counting the numbers of applications that the touts made, since the price paid was already known. Occasional non-tout members of the public were interviewed on their exit from the office and asked what they had paid, which was invariably the same amount as the tout had advised.

At the end of the day, the journalist totalled up the number of applications, the amount of money that had been paid, and deducted from that the amount of money that would have been paid at the official price – thus showing the illicit income to the police, in one day at one

office. In his article in the magazine the journalist suggested the enormous amounts of illicit income to the police from all offices in one year. The Police were publicly indignant at the publicity, and promised crackdowns, but these never happened.

Collaborative or Independent Monitoring

It is possible to do monitoring in collaboration with the subject that is to be monitored – which could be people, a process, or an institution as in the example of Slovakia and Georgia above), while it is equally possible to do that monitoring independently (as in the example of Indonesia above).

Access to information can be drastically affected by your strategic decision to either work independently using publicly available information and your own investigations, or to work in partnership with the subject. If you are going to maintain a partnership, you may have easier access to official information, but may also be restricted in your freedom to undertake some kinds of investigation if you are going to maintain that partnership. Before making this decision you should carefully consider if you have an opportunity to establish a working partnership - and if you do, then weigh the pros and cons of each approach.

Collaborative Monitoring

There may be an opportunity to propose a monitoring project in cooperation with the subject (a person, process or institution) where there has been expressed commitment by them to tackle the problem in question. The NGO can suggest a possible partnership by offering an opportunity to test this commitment, (which can potentially add credibility to the subject) or support it by providing (for example) additional information about dysfunctional elements of the concerned system. In Serbia, the NGO OTPOR!⁷² monitored the Serbian Customs Service. They noted that their project would not have been possible without a partnership with the agencies involved in customs control. This was because the monitoring needed to be operated jointly with those officials so that OTPOR! was able to closely observe and participate in Customs processes, even though it still stayed independent. If it had not had the access that it got by a partnership agreement, it would not have been able to get data. The collaboration with the Customs was a trade off in getting any monitoring carried out at all.

While we usually talk about collaborative partnering with a government or government department, this methodology is also very valid and useful for monitoring a business, university, or other body.

Collaborative monitoring (or monitoring in partnership) will require some sort of written partnership agreement or agreed terms of reference for the actions to be undertaken. The negotiations of any such partnership may be long and arduous and require some concessions from the monitoring group if it is to be successful. The monitoring NGO has to ensure that any exercise in which it engages allows it to keep its independence and its freedom to publish the results of its monitoring activity openly. If these two points cannot be maintained, credibility may be lost and it is probably better to undertake the monitoring without a partnership agreement with the subject.

Negotiating the partnership agreement may need some outside support. A mediator such as an engaged donor representative can be extremely useful by adding weight to the negotiations. Be aware, however, that negotiations with the mediator can demand as much

⁷² Please see Chapter 9, Case Study 9. Please note that at the time of the case study, OTPOR! was an NGO. It has subsequently become a political party.

effort as those with the subject. The use of a lawyer is also recommended, to prevent any differences in interpretation at a later stage.

The whole relationship is potentially tricky. The subject may indeed wish a partnership to obtain certain advantages (credibility), but may only be prepared to put in place cosmetic measures, and have no intention of improving practices in a meaningful way. Poorly negotiated partnership agreements can in such cases lead to significant negative consequences during the implementation phase: the subject may use every means to delay the actions undertaken by the monitoring NGO.

Well negotiated agreements, on the other hand, can resolve a major part of the issues (e.g. detailed specifications of protocols of publications with deadlines and right to publish without consultation within so many days if this deadline is breached by the subject, right of access to information, protocol and deadlines to obtain documents etc.). An example of a partnership agreement for monitoring forest law enforcement in Cameroon is provided in Chapter 10, Case Study 4 of Global Witness. It shows the complexities involved in this way of working.

A crucial step in planning a partnership is that the monitoring NGO identifies the lengths to which it will go in order not to threaten the partnership. It may be that the subject/partner becomes unreasonable and, as the project unfolds, it becomes clear that the arguments against the partnership start outweighing the arguments for. The monitoring NGO should then seriously consider pulling out of the partnership and deciding at what stage it will need to do so. The longer the NGO stays in the partnership, the greater the credibility the subject has. If the NGO is not getting added benefits in terms of findings in return, the credibility of the NGO may be compromised. It is important for the monitoring NGO to maintain its findings and the value of its findings with its peers and with the public.

The Forest Law Enforcement Monitoring in Cameroon (Case Study 4 in Chapter 9) involved the monitoring NGO independently documenting potential illegal logging of an area of 120,000 ha. of forests, which involved administrative fraud in the allocation of the permit to log by five national and international logging companies (including one owned by the president's family), and severe intimidation of villagers. Pressure not to publish the monitoring report, with a potential cost of over US\$ 100 million in fines, was received by the monitoring NGO from the government, threatening in writing the partnership if findings were published, and this was backed up by threats from international donors funding and supporting the Forest Law Enforcement Monitoring project.

The government refused to verify the information collected by the monitoring team on several occasions, which was a necessary procedure for a legal case to be initiated, and cancelled the verification when it finally took place. The monitoring NGO consulted with the public, local and international NGOs to strengthen its position and published.⁷³ The monitoring NGO took the considered risk of breaking the relationship with the partner (in this case the government) in the belief that not tackling this case would render futile all other efforts to tackle corruption. Such decisions are not easy.

The schematic below illustrates the advantages and disadvantages of Monitoring in Partnership with the subject.

⁷³ Note that this was against partner and stakeholders advice to tackle 'less important cases' first and leave sensitive cases to be dealt with at a later stage.

Figure 4: Advantages and Disadvantages of Monitoring in Collaboration with the subject

Advantages	Disadvantages
<ul style="list-style-type: none"> • The subject is engaged in the process and you have their attention • The partnership could provide greater access to information for the monitoring NGO • It may be easier to work with reform minded people within the government • If the subject is willing to cooperate other significant institutions may also come to the table. • Partnership generates the possibility for capacity building and experience sharing 	<ul style="list-style-type: none"> • The subject will get more information from the NGO about activities and may be able to counter them more effectively • The partnership may lend credibility to the subject while no reform takes place • There is a danger of co-option of the monitoring NGO by the subject in the press and media • Maintaining relations with the subject will consume considerable resources if the going gets tough • the monitoring NGO may be under pressure not to act or the subject may threaten the partnership

Independent Monitoring

Even if a partnership were desirable, there may be little chance for cooperation with the subject. Officials may be reluctant to cooperate with any external monitoring initiatives, if they know that the project has not been given the sanction of the hierarchy in their organisation. In such a case, the monitoring NGO will rely exclusively on publicly available information that it can access from outside the system (or other information gathered through investigations). The NGO that monitors without partnership with the subject can also carry out advocacy, but when an NGO that takes on both roles, it may receive (or make itself vulnerable to) criticism of bias - suggesting that that the monitoring NGO has an undeclared political agenda and that it is only collecting data for this purpose.

Please see Figure 2 which illustrates schematically the advantages and disadvantages of Monitoring without Partnership with the subject or independently.

Figure 5: Advantages and Disadvantages of Monitoring Independently

Advantages	Disadvantages
<ul style="list-style-type: none"> • The NGO is free to devise the monitoring plan and strategy without negotiation – i.e. no political compromise. • There will be a greater appearance of independence from the perspective of other civil society groups. • Reduced needs for coordination mean the monitoring NGO will be more flexible in their day-to-day operations. • The monitoring NGO is less vulnerable to manipulation or co-option by the subject. • Covert investigations can be used more easily. • The NGO can be more flexible and refocus its monitoring activities according to findings and events 	<ul style="list-style-type: none"> • It may be difficult to form open alliances with representatives of the international community if the government is not involved. • There will be no agreement with the partner against which to hold them accountable, thereby removing a powerful monitoring tool. • The danger of intimidation from the subject may be greater and a monitoring framework less effective to mitigate it. • It may be more difficult to access any official documentation. • Sources of information may be more reluctant to come forward. • Funding may be more difficult to secure. Many funders prefer partnerships and encourage them.

Partnerships with Others

If partnership with the subject that is to be monitored (possibly a ministry or department) is not possible or desirable, a partnership with other stakeholders at a higher level of government may be another option, e.g. the office of the Prime Minister, President or the government agency tasked with targeting corruption across the government. Going over the heads of the responsible ministries or departments that are the subject of the monitoring may not make working relationships easy, but the added leverage could yield results and provide political insurance. This is illustrated in Case Study 2 of Chapter 9, TI Slovakia monitoring of the Privatization of Slovak Telecom.

The new Prime Minister of Mikulas Dzurinda in October 1998 invited TI Slovakia to as an independent observer to monitor the process of privatization and public procurement at Slovak Telecom. The access to the higher levels of government meant that TI Slovakia's recommendations were acted on.

It is hoped that a higher-level partnership for monitoring will create greater access to information for the NGO. In theory an official 'request' sent by a higher level of government official to the subject in effect warns the subject that the NGO has the right of access to information. Speaking pragmatically, however, such a 'request' can be considerably and intentionally delayed and the NGO may face considerable hurdles for such a request to be enforced. It is unfortunately true that, if such obstructions are put up, it is highly unlikely that a higher level of government (for example, the Prime Minister's Office) will agree to intervene every time access to a document is either refused or arguments put forward that the document is lost, missing etc.

Access to Information

In cases where partnerships at higher levels are not possible, monitoring will have to be based on publicly available data and/or accessible/observable processes. The NGO should also seek official or unofficial partnerships with international agencies and other NGOs in order to get access to information they need and others might have. Other stakeholders, who may find the monitoring exercise attractive for specific reasons (for example donors, or embassy staff who are involved in support to that country) may be able to provide information that is not yet in the public domain. Donors may have political agendas that fit some of the NGO's objectives and can facilitate your tasks.

Other NGOs may have invaluable information including specialist knowledge, access to local information, and political insight. It is possible to strategise about which NGO will carry out advocacy on which issue and/or prepare common advocacy strategies which will reinforce a particular NGO's objectives. Other NGOs need not work in the same field to be useful sources. For example, organisations providing medical aid in-country following a natural disaster may not be able to use local information they have about corrupt practices because that would threaten their in-country activities, but they may wish to pass on information anonymously for another NGO to act upon.

Attitudes of Bureaucrats

In general it is most likely that governments and private sector companies will be most reluctant to provide information simply because it is requested by an NGO. Private sector businesses will claim confidentiality on the basis of competitiveness, and governments on the grounds of security. In many cases this is completely spurious, and is only being used as an excuse to protect people and avoid embarrassment. As MKSS says of their experience in Rajasthan, India:

The gut reaction of any bureaucrat to any demand from a citizen is to view it with suspicion and mistrust. There is very minimal identification with the people outside the pale of government functioning. Given a choice between justice and self-protection (...) even "honest" civil servants waver on the issue of (possibly) publicizing the misdeeds of colleagues.

Freedom of Information Acts

Some countries have passed Freedom of Information Acts (FOIAs) following on the model of the USA. All such acts are hedged with considerable protocols and regulations about which information can be accessed, and how it needs to be requested. Such acts are also often limited because they do not offer a structure and system for reviewing decisions of civil servants who decide not to provide the information, or not to provide the information in a timely fashion.⁷⁴

At the time of writing, 52 countries around the world have Freedom of Information Laws, of which 40 have been adopted since 1992, and 20 since 2000. These new laws are only just getting up and running, but already thousands upon thousands of information requests are being filed by the public in countries where government secrecy has previously been the norm and where corruption has flourished behind closed doors. Much important information about the inner workings of government is being released. Public knowledge of administrative processes and citizen participation is increasing as a result. Anti-corruption advocates often talk about the importance of transparency in rooting out and preventing corruption. Freedom of Information advocates commonly argue that access to information laws are essential tools in the fight against corruption.

Please see Annex 6/1 for more information on Freedom of Information Laws. Readers are strongly advised to find out the situation in their own country, and if such laws exist, to use them assiduously. More and more countries are, however, passing FOIAs, and NGOs interested in carrying out Monitoring should be well aware of the present state of such legislation in their country, and how to use it⁷⁵. It is very possible that there is a pressure group NGO in any particular country pushing for Freedom of Information that will be able to inform the NGO of the procedures that need to be followed.

Press and TV:

Individual journalists may be a significant source of information for the monitoring process as well as being people who can disseminate the results of the monitoring to a wider audience. The information received, however, may require verification. Where the information is being sought in the form of testimony, a call in the press for people to come forward to testify may be useful in establishing a greater database of alleged corruption.

Where the monitoring NGO has established a partnership with the subject, the press may relay questions from the public about the objectivity of the monitoring NGO, and fuel suspicions that the NGO has been co-opted. This may render the job of the monitoring NGO difficult, as it cannot easily engage in a debate with the press, and yet the press may compromise its project. Providing the press with hard data may be sufficient to counter accusations of co-option. The press can be a very fluid entity, however, and their seeking greater communication and understanding from civil society organisations may not help the monitoring work that is being undertaken.

⁷⁴ This section is taken from a note by Helen Darbishire of the Open Society Justice Initiative

⁷⁵ Please see Annex 7/1 which provides an overview of FOIAs around the world from the perspective of the Open Society Institute.

Key Elements in Setting up a Monitoring Activity

Apart from access to information there are other very important considerations for anyone planning to set up a monitoring activity.

National and International Standards

When establishing the methodology for a monitoring project the standards against which the results of the monitoring will be compared have to be established. These standards may be found in national legislation or accepted procedures, or have been established in an international treaty or convention. The country in question would not have to be a signatory to the international standard for it to be used as the baseline for monitoring.

The two most likely scenarios in relation to standards are.

1. The country has adopted good standards, good national legislation, etc., but these are simply not applied.
2. The country does not have good standards/legislation, etc., and thus international good practice can be used as a measuring stick, even if they are not actually applied in the country concerned.

When looking at publicly proclaimed standards and international best practices, it is important to note the difference between:

- What is legally binding for the subject (Ministerial or departmental implementing regulations, local authority bye-laws, national legislation, international legislation to which the country is a signatory, etc.)
- What is not legally binding for the subject, but which constitutes good practice (international standards of good practice, public statements etc.)

Reports and recommendations by the monitoring NGO should treat the comparison of findings against legally binding or non-binding norms in a different manner. Where the subject breaches the law, the NGO should quote the law and matter-of-factly highlight where a documented action breaches it. Potential breaches of law can be brought to the attention of specific groups such as the judiciary, and (where the latter is corrupt) to other legal bodies like the Attorney General or Prosecutor General. If the law is unclear or untried then there is the possibility of the NGO running a test case through the courts to get a ruling.

Where the subject does not breach the law, but carries out an action that contradicts good practice, a recommendation can be made bringing the existence of a particular good practice to the subject's attention. It then becomes interesting for the NGO to make notes in subsequent reports as to whether the subject has incorporated 'best practice' or is carrying out actions in the same way without taking any notice of recommendations.

When the monitoring NGO works in partnership with the subject, the baseline of norms against which project findings will be compared should ideally be agreed in the project framework through a consultative process including the subject that identifies these relevant standards. Through this process, the monitoring NGO cannot be singled out and accused of bias in referring to those standards subsequently, and this will add more weight to the comparison.

At the same time, nothing prevents other advocacy NGOs from using standards that were left out of the consultative process and campaign using ammunition from the monitoring. The monitoring NGO, through an informal relationship with other NGOs, can make a decision to provide pointers to advocacy groups if this can support its overall objectives. For example, where the subject does not apply good practice highlighted by an international environment

agreement, the monitoring NGO can bring this to the attention of the subject. It can point out that the action is in contradiction of a particular convention (e.g. issuing building permits in unsafe areas) and recommend that it signs and applies the convention.

For some issues there do not exist widely recognized international standards, and/or some of the international “best practices” may not be applicable in every country. As a result, some sort of local consensus should be built on desirable norms. Such a process should involve a variety of stakeholders and experts. It may not be possible to do this at the set-up, but it can be planned to take place as a component of the project.

For example, OTPOR! set up the Serbia customs monitoring project knowing that they would need to establish temporary new norms of operations to address gaps in communication identified between those government agencies that had created opportunities for corruption. The aim was to develop norms through the project and gradually institutionalise them. Please look at Case Study 9 of Chapter 9 to get more details on this.

The most important aspect of the project was the establishment of communication channels between the various agencies who were thus enabled to carry out more effective governmental monitoring of the import/export process. While the results of the daily joint monitoring exchanged information through the center, which included OTPOR! Activists, such exchanges, once instituted, would continue to function beyond the duration of the project.

For other issues, existing international standards can play a major part in the design and set up of a project. In 1998 the Strategy Centre began work in Russia on the “Transparent Budget” project, which evolved into a separate programme supported by several funders, including the Ford Foundation, Eurasia Foundation, OECD, and the National Endowment for Democracy. The core of this program is a set of methodologies related to the monitoring of transparency in budget processes at the local and municipal levels and the involvement of civil society. The international standards were agreed, and these then became the basis for monitoring.

If you are looking for examples of international norms of good practice, the IMF provides these as follows:

- Special Data Dissemination Standard⁷⁶
- General Data Dissemination System⁷⁷
- Code of Good Practices on Fiscal Transparency⁷⁸

Through these standards, the IMF encourages countries to improve the transparency and accountability of decision making by adopting the internationally recognized standards and codes that cover government, the financial sector, and the corporate sector.

On the private sector side, the European Corporate Governance Institute⁷⁹ makes available the full texts of corporate governance codes, principles of corporate governance and corporate governance reform initiatives both in Europe and elsewhere.

Collaboration with other Stakeholders

There are possible stakeholders other than NGOs that may have an interest in monitoring corruption – possibly universities, businesses, the government itself, and other civil society organisations. The monitoring NGO should consider the scope of possible collaboration with

⁷⁶ <http://dsbb.imf.org/Applications/web/sddshome>

⁷⁷ <http://dsbb.imf.org/appllications/web/gdds/gddshome/>

⁷⁸ <http://www.imf.org/external/np/fad/trans/code.htm>

⁷⁹ http://www.ecgi.org/codes/all_codes.htm

others where appropriate. Since the monitoring organisation will aim to disseminate information as well as collect it, it needs to prepare for a collaborative relationship that includes two-way traffic. Both sides need to gain something from the collaboration. It is possible to develop a relationship whereby one organisation feeds information to the monitoring NGO, but it will want to get something in exchange – possibly advance results of the monitoring.

Timelines:

A monitoring exercise should be carefully developed along a timeline, and this is best drawn up in a schedule (see the exercise for Workplanning in Chapter 5). The workplan can be monthly for the first year, then perhaps quarterly for subsequent years.

When you have a work plan with planned activities, tasks, outputs and budget, the schedule can help determine whether the planning is realistic and coherent. If doubts arise as to whether it is coherent, the entire work plan should be reviewed until all elements of planning are in harmony and provide an appropriate design necessary for successful implementation. If you are not sure of the start date of a project, you can still prepare a schedule by allocating generic time units (i.e. month 1, month 2 etc.) as opposed to dates (January 2005, February 2005 etc.)

Please see Figure 6 which is in the form of a checklist to help you work out what time is required for the different parts of the monitoring.

Figure 6: Checklist to help you work out time required for different parts of Monitoring		
Elements to consider	Planning	Assessment of timelines
Pre-monitoring activities	How long will the consultation for collaboration take?	Assess the timeline for each process of consultation, giving specific attention to the negotiations of a partnership agreement, which may take considerable time
	How long will data collection take?	Assess what delays there might be and factor these into project planning. Corrective measures, e.g. challenges in courts to non-compliance with freedom of information provisions, should be considered.
	How long will the physical set-up take?	Look at your logistical and staff recruitment or training needs, consult with existing local projects for reasonable assessments and preview reasonable timelines
Monitoring activities	When should activity A start?	Assess starting time
	How long should activity A last?	Assess duration
	To what extent is activity A dependent on the completion or start of other activities?	Review all activities and assess dependency in time
	What are the risks of delays in implementation?	Preview a buffer to give you room to be flexible
	Repeat for all other activities	Repeat for all other activities
Political environment	What is the political environment?	Assess risk of delays (suspended partnership due to political blockage, risk of delay in obtaining documentation necessary to implement activities etc.) and factor in flexibility in timeline for monitoring

		activities, previewing possible swaps in timelines of activities where necessary to maintain a continuous flow of useful data.
General risks	What could prevent the planning from going ahead as intended?	Assess risks for the run of project activities and preview counter measures. For example, you may identify that a funder may pay late: Arrange a facility for overdraft or loan with your bank using the funder contract as guarantee. This way you can mitigate risks of delays and maintain the planned timeline. Alternatively, preview a flexible date for the start-up of your activities, but this may not always be possible (if you monitor an election process for example).

Funders:

Any monitoring is likely to require funding, but funders can serve a number of functions other than the provision of financing for the project. Having a member of the international donor community as a project funder can also secure many other benefits like access to information, powerful friends at meetings, protectors in difficult political crises, etc.

The Private Sector:

Some international companies, such as Gallup, that specialise in undertaking surveys have been involved in the assessment of corruption at the country level. Recruiting international agencies may make it possible to get other international organisations such as Gallup involved in the monitoring effort.

It may also be possible to form strategic alliances with members of the private sector who are victims of corruption. Companies and their employees may be able to provide detailed information about the methods of corruption and provide insight into how the problems might be tackled.

Other members of the Private Sector for whom corruption creates a profitable environment may be obstructive to the work of the monitoring NGO. They may well be aware that an increase in transparency may lead to increased sanctions on illegal activities. They may, for example, have obtained a licence to operate in their sector through bribery or produce goods illegally and bribe officials to close their eyes. They can be a most powerful lobby hindering progress at the government level and influencing international donor agencies.

Data Collection

The collection of data has to be systematic. If data are collected haphazardly, it will be difficult to answer the questions you have set for yourself in a conclusive way.

Researchers often use a combination of flexible and less flexible research techniques. Flexible techniques are also called qualitative research techniques. They produce qualitative data that is often recorded in narrative or written form and give insight into peoples behaviour (motivations, opinions, attitudes), into the nature and causes of certain problems and into the consequences of the problems for those affected. 'Why', 'What' and 'How' are important questions.

Structured questionnaires that enable the researcher to quantify categorised answers to questions are an example of quantitative research techniques. The answers to questions can be counted and expressed numerically, e.g. "43% of people questioned have encountered corruption in their dealings with government".

Quantitative research techniques are used to quantify the size, distribution, and association of certain variables in a study population. ‘How many?’ ‘How often?’ and ‘How significant?’ are important questions.

Both qualitative and quantitative research techniques are often used within a single study.

Two other categories of information are primary data and secondary data which are described below. It is important to note that these are not mutually exclusive and to achieve your project goals you may want to employ a number of techniques and use different data types.

Primary Data Collection Techniques

Primary Data comes directly from a person, a place or process. There are a number of ways in which primary information can be gathered from individuals or groups.

General survey/questionnaire of a population or sub-population:

A written questionnaire is a data collection tool in which questions are presented that are to be answered by the respondents in written form. A written questionnaire can be administered in different ways, such as by:

- Gathering all or part of the respondents in one place at one time, giving oral or written instructions, and letting the respondents fill out the questionnaires; or
- Hand-delivering questionnaires to respondents and collecting them later.
- Sending questionnaires by mail with clear instructions on how to answer the questions and asking for mailed responses.

The questions can be either open-ended or closed (i.e. with a list of answers from which people can choose). The questionnaire might be directed at a specific group of people, e.g. patients of national hospitals, or students at a university in which case it is called a “stratified survey”. How to structure a questionnaire is a complex issue and cannot be covered in detail here⁸⁰.

Anti-corruption activists have made a lot of use of surveys – particularly perception surveys. Chapter 4 has provided many references. It is important to recognize the difference between a perception survey that asks questions like “Which institution do you think is the most corrupt?” and surveys that measure experience with questions like: “How many times in the past year have you been asked for a bribe by a police officer?” Perception surveys need to be treated with due caution, because they are merely recording people’s opinions, and are open to many influences. Surveys that measure experience are much more likely to be factually accurate. A very good example of the latter is the Citizens Report Cards from PAC Bangalore, India – described in Chapter 4.

Interviewing:

An interview involves the oral questioning of either individuals or groups. Interviews can be conducted with varying degrees of flexibility.

A flexible method of interviewing is useful if a researcher has as yet little understanding of the problem or situation they are investigating, or if the topic is sensitive. An interview with a high degree of flexibility may start with the investigator using a list of topics rather than fixed questions. (e.g. “Does corruption affect how you are able to work?” rather than “Have you

⁸⁰ Please see “Handbook on Radio and Television Audience Research” by Graham Mytton, BBC and UNICEF. The book is more comprehensive than its title suggests, and incorporates much useful information on questionnaires. It also contains a very valuable bibliography.

ever paid a bribe?") The sequence of topics should be determined by the flow of the discussion. This list of topics may be called an 'interview guide' or 'interview schedule' and makes it possible to come back to a topic discussed earlier in a later stage of the interview.

The unstructured or loosely structured method of asking questions can be used for interviewing individuals as well as groups of key informants. Answers to the questions posed during an interview can be recorded by writing them down (either during the interview itself or immediately after the interview) or by tape-recording the answers, or a combination of both.

Less flexible methods of interviewing are useful when the researcher is relatively knowledgeable about expected answers or the number of people being interviewed is relatively large. Then questionnaires may be used with a fixed list of questions in a standard sequence, which have mainly fixed or pre-categorised answers.

Informants by virtue of their community economic role include journalists, farmers, bartenders, shop keepers, port operators, public officials and community leaders, etc. - all people at "nodes" of economic information exchange. These informants can give you information and/or can point you toward other sources. It is useful to think of people in a community linked together and focus on the nodes of communication as well as who might routinely be there at that node to observe by virtue of their role.

Interviews and observations (see below) of individuals or groups can form part of any type of monitoring, but as they are time consuming they are most often used in small-scale studies of specially selected groups or individuals.

Observation protocols and guidelines for conducting loosely structured interviews should be prepared, and training and practice should be provided to data collectors in using both these tools. Moreover it is highly recommended that data collectors work in pairs when using flexible research techniques and discuss and interpret the data immediately after collecting it. Another possibility - commonly used by anthropologists - is using a tape recorder and transcribing the tape.

It is possible that the interviewer may have an effect on the interviewed person. The informant may mistrust the intention of the interview and dodge certain questions or give misleading answers. It may be possible to reduce such bias by adequately introducing the purpose of the study to informants, by phrasing questions on sensitive issues in a positive way, by taking sufficient time for the interview, and by assuring informants that the data collected will be confidential.

It is also important to be careful in the selection of interviewers. In a study soliciting the reasons for the low utilisation of local health services, for example, one should not ask health workers from the health centres concerned to interview the population. Their use as interviewers would certainly influence the results of the study.

A final refinement in interviewing is the selection of key informants, rather than any individual from a particular area or category. Key informants could be knowledgeable community leaders, officials at various levels or informed members of a particular target group (e.g. well-informed members of the private sector). These key informants are not merely respondents – they should be considered as part of the research process since their knowledge and experience may well suggest ways to direct the research activity.

Observation

Observation is a technique that involves systematically selecting, watching and recording behaviour and characteristics of people, objects or processes. Observation of individuals or groups can be undertaken in different ways:

- Participant observation: The observer takes part in the situation he or she observes.
- Non-participant observation: The observer watches the situation, openly or concealed, but does not participate or ask questions.

Observations can be either open (e.g. informing people that the discussion or action is being recorded on video) or covert (e.g. engaging in discussion without informing people they are participating in a monitoring project). The different approaches may serve different purposes. Observations can give additional, more accurate information on the behaviour of people than interviews or questionnaires. They can also check on the information collected through interviews especially on sensitive topics such as corruption or bribery.

Observations can also be made on objects. For example, we can check whether an organisation or person has kept to the planning permission for a new building by observing whether the construction of buildings is in accordance with the planning permission given. Here observation would be the major research technique and details of distance, scale, location and other physical characteristics may need to be recorded. If observations are made using a defined scale or system they may be called 'measurements'. Measurements usually require additional tools and the skills to use them.

Observations about locations are best made using a Global Positioning System (GPS) Unit if the equipment is available. A GPS is a satellite-based location system that uses small hand held GPS Units to connect to the satellites that identify your position on the surface of the earth. GPS Units cost about \$350 each and are battery powered. GPS units can fix a position with about 10 meters accuracy. There is also a need for computer software if you need to produce maps to present this information visually. If you do not want to produce maps with the data from the GPS Unit, the position readings for the latitude and longitude on the GPS Unit can be included in an annex or the body of a report. The use of this equipment may, however, be prohibited in some countries (e.g. Russia) without official authorisation. It is very valuable where there is strong suspicion that people or organisations are contravening regulations about where certain activities (e.g. logging, mining, building) are allowed to take place.

If making video or photographic records of events the operators should make sure they are able to use the equipment available. You may only get one chance to record what you are researching. Images from monitoring projects may be documentary, i.e. to show clearly what it is the monitoring project is trying to demonstrate, or the image might be for use in publicising the results of the monitoring. Those taking video footage should be aware of what makes good documentation (for e.g. use of date option on the camera) as well as what is required for it to be used by the media (e.g. quality of the image).

Figure 7 provides a schematic of the advantages and disadvantages of various data collection techniques.

Figure 7 : Advantages and Disadvantages of different data collection techniques		
Technique	Advantages	Possible Constraints
Using available information (e.g. Official/public documents, budgets, media	Is inexpensive because data is already available. Permits examination of trends over the past.	Data is not always accessible. Ethical issues concerning confidentiality may arise.

reports, etc.)		
Observing	Gives more detail and context related to the information Permits collection of information on facts not mentioned in an interview Permits tests of reliability of responses to questionnaires	Ethical issues concerning confidentiality may arise Observer bias may occur (observer may notice only what interests him or her) The presence of the data collector can influence the situation observed Through training of research assistants is required
Interviewing	Is suitable for use with both literate and illiterate populations Permits clarification of questions Has higher response rate than written questionnaires	The presence of the interviewer can influence responses Reports of events may be less complete than information gained from observation
Small-scale flexible interview	Permits collection of in-depth information and exploration of spontaneous remarks by respondents	The interviewer may inadvertently influence the respondents. Analysis of open-ended data is more difficult and time consuming
Larger-scale fixed interview	Is easy to analyse	Important information may be missed because spontaneous remarks by respondents are usually not recorded or explored.
Written questionnaires	Is less expensive Permits anonymity and may result in more honest responses Does not require research assistants Eliminates bias due to phrasing questions differently with different respondents	Cannot be used with illiterate respondents There is often a low rate of response. Questions may be misunderstood

Secondary Data Collection Techniques

Secondary data is data from sources that has already been collected once. Usually there is a large amount of data that has already been collected by others, although it may not necessarily have been analysed or published. Locating these sources and retrieving the information is a good starting point in any data collection effort.

For example, it may be very valuable to search census data, unpublished reports and publications in archives and libraries, or in offices of government services. Other sources of available data are newspapers and published case histories. Researching some of these may constitute a study in itself. Usually, however, it forms part of a study in which other data collection techniques are also used.

A particular example of researching publications is counting the size or space of advertisements in newspapers – a technique used in assessing whether political parties have kept inside the law on campaign financing. This is a specialised field and needs specifically designed compilation sheets.

The advantage of using existing data is that collection is inexpensive. However, it is sometimes difficult to gain access to the records or reports required, and the data may not always be complete and precise enough, or may be too disorganised.

Credibility

The importance of credibility generally for the NGO was discussed in chapter 5. The issue of credibility becomes crucial if an NGO is involved in monitoring.

It is very important for the monitoring NGO to be credible, and widely seen to be credible before the monitoring effort begins. This will make it difficult for critics to challenge its findings.

Here are some issues that the NGO will need to consider at the project level from the perspective of getting and maintaining credibility:

- Maintain the quality of your monitoring outputs
 - Data verification should be consistent and a part of the methodology that the NGO agreed
 - Presentations should be professional
- Keep to project timelines.

Where there are delays, issue notices and good reasons for delays in publications, explain the reason rather than leave room for speculation about bad management of the project and back room deals being made to cover up issues.
- Try to anticipate counter-arguments

The NGO should try to anticipate the arguments that will be raised by any opposition to its monitoring actions and develop arguments against those criticisms. The NGO should never be put in the position of having to publicly (or even privately) apologise for having got it wrong. This can be a disaster for the whole project, including the advocacy campaign that may follow.
- Maintain objectivity.

Subjective statements by the monitoring NGO can undermine its credibility and lower the potential impact of its findings.
- Maintain dialogue with a variety of stakeholders:

Alienating 'difficult' stakeholders may close a useful source of information and isolate individuals willing to change the situation within this group. The overall credibility of the NGO is at risk of being challenged.
- Make sure resources are available

Availability of resources will always be a factor influencing credibility. That holds true even for monitoring mechanisms based on international instruments, where it is critical that monitoring organisations are adequately resourced. Without appropriate resources, research may be under funded and inadequate, and without independent resources, research agendas may be dictated by financial officials or donors, thereby lacking the necessary objectivity and credibility.
- Make sure the data collection processes and data are of the highest integrity

NGOs should be careful to avoid bias in information collection. This is a distortion in the collected data so that it does not represent reality. Possible sources of bias during data collection are defective instruments. Examples of this might be questionnaires with fixed or closed questions on topics about which little is known (often asking the 'wrong things'); open-ended questions without guidelines on how to ask (or to answer) them, questions phrased in a vague manner; 'leading questions' that cause the respondent to believe one answer would be preferred over another; or questions placed in an illogical order.

Another example might be badly managed instruments, such as GPS units or other measuring equipment that has not been set up in a standardised manner. A third

example might be inconsistent methods of statistical analysis and presentation where data is not consistently applied through time so that meaningful comparisons can be made. This can be prevented by carefully planning the data collection process and by pre-testing the data collection tools.

Finally there is the possible problem of observer bias, which can easily occur when conducting observations or working with loosely structured group or individual interviews. There is a risk that the data collector will only see or hear things in which (s)he is interested or will miss information that is critical to the research.

Information bias

Sometimes the information itself has weaknesses. Documents may have many blanks or be unreadable. This tells something about the quality of the data and these shortcomings have to be recorded. Another common aspect of information bias is due to gaps in people's memory. The length of time over which the NGO is asking for details of events should be considered when developing the questions.

Interviews as indirect or testimonial data are often not perceived to have the same weight as "forensic evidence." Human Rights activists have done a great deal to make testimonials increasingly perceived as credible and valid data.

All these potential biases will threaten the validity and reliability of the NGO's monitoring effort. By being aware of them it is possible, to a certain extent, to prevent them. If the researcher does not fully succeed in eliminating them, it is important to report honestly in what ways the data possibly may be biased.

Ethical Considerations

As we develop our data collection techniques, we need to consider whether our research procedures are likely to cause any physical or emotional harm to those being interviewed. Harm may be caused, for example, by:

- Violating informants' right to privacy by posing sensitive questions or by gaining access to records that may contain personal data;
- Observing the behaviour of informants without their being aware (concealed observation should therefore always be cross-checked or discussed with other researchers with respect to ethical admissibility);
- Allowing personal information to be made public that informants would want to be kept private, and
- Failing to observe/respect certain cultural values, traditions or taboos valued by your informants.

Several methods for dealing with these issues may be recommended:

- Obtaining informed consent before the study or the interview begins;
- Not exploring sensitive issues before a good relationship has been established with the informant;
- Ensuring the confidentiality of the data obtained; and
- Learning enough about the culture of informants to ensure it is respected during the data collection process.

If sensitive questions are asked, such as asking for details of corrupt practices, it may be advisable to omit names and addresses from the questionnaires.

Data Management

Before collecting data, data management issues should be addressed. You will save considerable time and energy if you address these issues at the start of the programme rather than waiting until you have a large volume of data already collected - and then trying to sort it out. During implementation of the project you can always review the way data is classified and organised if the planned system is not perfect.

Good data management ensures that data is treated as a valuable asset. One of the first tasks therefore should be to identify the person/people responsible for the task of data management and set up a system. Since data may be collected in different locations around the country or in different formats, each person handling it should have clear instructions on what to do to make sure that it is processed immediately and through the agreed system.

Information classification

The first step in information management should be the classification of information into identified categories. These categories might include:

- Public data:
Decisions on whether the different types of information might need to be put into the public domain will have to be made. When setting up the project you should consider and consult with the partners in your work. You need to be clear what information can be put into the public domain that will not endanger sources of information or other innocent parties named or identified. Some official information may need to remain confidential.
- Classified or secret data:
With strategic information about project implementation, the names of information sources, etc. might be sensitive and not be published or even be protected.
- Primary data:
As mentioned in the data collection section above.
- Secondary data:
As mentioned in the data collection section above.
- Trusted or mistrusted:
Before passing data on for analysis it may be necessary to ascribe to it a trust level (or a scoring system as to the extent that this data is to be trusted). This should be done by the data gatherer and a ranking system devised to help them with this.
- Time sensitive data:
The concept of data lifecycles should be considered in the design of a data management system to answer such questions as: How long will the information be useful for? Can it be deleted or should it be passed on to others once it has served its purpose so that others can profit from it? How long should data be classified or secret?
- Data vs. analysis information:
There should be a distinction between 'data' that has been collected and is being held by the monitoring NGO and information resulting from analysis and the processing of data, e.g. conclusions and recommendations.

Filing systems should be established for primary and secondary data. For example, letters requesting information are also information: if they have remained unanswered this information can possibly implicate officials in a cover up. Comprehensive correspondence records with officials should be kept, including what was sent to whom and when. Repeated requests can be sent at regular intervals to the officials concerned in order to eliminate the possibility of officials arguing that they did not receive the letters. Keeping good correspondence records also helps in the implementation of the action plan of the project.

Databases in general are a good tool for managing large volumes of data as they allow it to be manipulated in different ways. Database structure should reflect the data analysis and output needs of the monitoring exercise. “Martus” for example, is a user-friendly software tool that allows users to document incidents. It has been used a lot for documenting human rights abuse. It creates bulletins that may be uploaded onto the Internet. Using this software it is also possible to store data on servers located around the world to increase data security. This is essential as local organisations may have their computers taken by authorities to stop projects or computers may simply be stolen.

The Public Service Accountability Monitor (PSAM) in South Africa is an example of a database being used very effectively to counter corruption. Please see Chapter 9, Case Study 1 for more on this organisation. It is an independent research institute dedicated to strengthening democracy in South Africa. As part of its activities, PSAM has since 2000 implemented the Case Monitoring project, which monitors, documents, and investigates various cases of misconduct, corruption and maladministration in Eastern Cape government departments through a publicly accessible on-line database. The database also serves as an important advocacy tool, since it takes up individual cases of corruption and draws attention of the general public both to the existence and the spread of corruption, as well as the government’s response to it.

Who will need access to the data collected? Data to be made public may be reproduced on the Internet or presented as documents, reports or press releases - in searchable databases, as raw data or presented as a final analysis. These choices will depend on the implementation strategy of the project and how monitoring results are to be shared. When the systems for data management have been defined the NGO needs to ensure that there are systems for making copies or backups of all forms of data within the overall procedure. Offices of NGOs engaged in sensitive data collection may well be raided and computers taken. Paper and offices can also catch fire! The NGO can also use Internet based tools to store data.

Data analysis (who, how, when)

Only after the monitoring has been completed and the information required been gathered can the data analysis, report writing and advocacy work begin.

Who

To analyse the actual situation and functioning of systems, the monitoring NGO might consider using experts that give more credibility to the process of analysing the problem. They are very valuable for analysing the processes observed and for spotting flaws or irregularities. In many cases, gross examples of lack of law enforcement or governance seem so obvious that the need for a specialist may appear superfluous. But the advantages of the use of experts are numerous, including:

- To stop attacks on the credibility of the analysis. Such attacks may well be undertaken by the institutions being monitored that attempt to divert public attention from the actual findings;
- To provide strong objective technical solutions that can be suggested to the institutions being monitored to prevent a reoccurrence of the problem identified, e.g. a draft legislative text;
- To identify hidden or technical flaws in the implementation of a process this may not be as obvious to non-experts. This reinforces the monitoring organisation’s published bank of data and supports the overall conclusions;

- To make those involved in corrupt practices aware that someone who fully understands the systems is investigating their actions. Increased risk of being caught can dissuade culprits from continuing their malpractice.

It is also good to consult on the evidence/data that you have collected with others outside the organisation. This acts as a safeguard against errors in-house, but may also reveal further consequences or implications that have not been identified in-house, and builds the credibility of the data where other organisations or bodies will support the inclusion of their names on the project outputs

How

As well as looking for existing documentation you should also be aware of the possibility of missing documentation, i.e. holes in official processes. You should also be aware that documentation you come across can change over time as one set of documents may be substituted for another within departments. You need to be very systematic in your analysis of documents.

For more on this, please see Annex 7/2 at the end of this chapter, which is a schematic checklist of how to handle documents at a number of different levels – legislation, norms, procedures, conventions, and commitments. It looks at what documents the subject of the monitoring produces, what documents the monitoring NGO produces, the monitoring NGOs conclusions (which are the product of the monitoring), and the monitoring NGO's review of progress (which is likely to be the subject matter of the next product of the monitoring).

When

The monitoring NGO should carry out data analysis in accordance with the plans that have been made in the work planning exercise.

Time is a very important factor in data analysis. Documentation may soon become obsolete and from an advocacy point of view, its potential impact is less if the issue is old and out of date. Where evidence of corruption is obtained concerning past events, there may even be suggestions from stakeholders that 'old offences' are forgotten (i.e. that there is an amnesty), and that only their future actions should be considered. Tackling past cases is, however, an important part of monitoring and should be pursued where it is relevant to the present (e.g. if officials that were involved in old cases are still in charge, or if your goal is to change the system that permits corruption to flourish).

Time is also important in terms of what is considered a "reasonable" delay. Timelines are sometimes defined legally in procedures (e.g. an official report of infraction must be recorded immediately as soon as it comes to your notice and passed on to the relevant central authority within a fixed number of days or months). This may not always happen, and so, in such cases, the monitoring NGO must document the pace of actions taken by registering all actions against the established timeline or registering that no action was taken over a monitoring period. Discussions can be held with a variety of stakeholders on what is considered reasonable. The monitoring NGO can use its expertise and other information, such as a register of official obstructions to progress, to help determine whether progress is made within a 'reasonable' timeline or not.

Once you have collected, managed, and analyzed information you are ready to go public with it – which is the point at which monitoring becomes closely linked to advocacy, and at which point the NGO needs to think how the material is going to be used to further the advocacy objective.

Publications

Publications deriving from monitoring are likely to consist of Bulletins, Reports, and Periodic Summaries. This is all likely to be closely connected to advocacy work, i.e. this is the material that will be used for an advocacy campaign.

- Bulletins
Bulletins might be short reports with details of specific investigations or a single documented case of corruption, or a testimony summary. They are useful for the subject, local stakeholders, and the press as ongoing examples of corruption. They are usually very detailed. They may include evidence of corruption or documentation of actions that are not in conformity with identified norms or laws. They can be used by the institution or individual monitored as a stimulus to start addressing problems identified, because they are aware that those outputs will be published in a bulletin. If those monitored are aware that the press will raise questions on what has been documented by the NGO in its bulletins, they can try to mitigate a bad press by taking early action. This, in itself, can promote reform, and we should not forget that the overall objective of monitoring is to promote positive change, not just to monitor for the sake of monitoring.
- Reports
Reports keep the issue alive by feeding information to the public in a format that facilitates analysis or advocacy. Produced at regular intervals, they expose key issues and give a continuous picture of progress or lack of progress. The public uses this powerful tool to keep track of what is happening and draw from this regular input of information to prepare actions. They are especially useful at the national level, but may also be used at an international level on an ad-hoc basis where the contents are relevant to ongoing events. They refer to detailed outputs but their focus is also wider, identifying clusters of corrupt practices, looking at trends, and including other analytical tools.
- Periodic Summaries
Periodic Summaries are an overall picture of the functioning of processes or a system of corruption and can, for example, be produced annually and published widely, at local and international level. They are useful to re-launch a debate on the issue concerned in cases where the press or the public has started to lose interest. In the second annual report a review of progress can also be undertaken. These reports are very useful at international fora. They can also be useful to check compliance with international standards

For an example of how an NGO has used publications effectively, please see Case Study 5 in Chapter 9 – Argentina’s Budget Watchdog “Lupa Fiscal”.

In order to contribute to a better informed and more participatory budget process, CIPPEC publishes four publications every year. These publications serve as a backbone of Argentina’s Budget watchdog project: Budget Briefs, Budget Guides, Amendment briefs, Fiscal Policy Research and Advocacy documents. CIPPEC organises debating seminars on various target organisations, community groups and among business people in order to strengthen the understanding of these stakeholders in the budgetary process.

Risks in Monitoring

We have already discussed risks for an anti-corruption NGO in general in Chapter 4 and the ability of an NGO to manage such risks in Chapter 5. Here we talk of risks that are specific to monitoring.

Working in the field

The monitoring NGO may carry out independent investigations in the field, where corrupt or illegal activity is taking place that affects the local population directly. People in communities may be angered by the lack of support in solving their dire situation. They can potentially be dangerous for the monitoring NGO when they are not aware of its mandate, the project framework, or its objectives. They may think that the NGO is part of the problem rather than part of the solution. They may well be suspicious of the NGO that tries to document everything - which includes dialogue with those responsible for corruption as well its victims. This may well be perceived negatively unless the NGO's approach is explained beforehand to the concerned groups.

It is also possible that the directly affected local population may decide to take things into their own hands with a direct attack on those responsible for corruption while the monitoring investigation is going on – and it may well be possible that violence, once started, will not discriminate between people. In the field, far from administrations, the media or stakeholders' headquarters, support may take longer to come whilst the risk to monitoring staff is more immediate. Another important point is that the subject of the monitoring is on its home territory and usually has at hand an extensive network of support that may include local elites, the police, etc. The monitored organisation may respond violently and the monitoring NGO may well be caught in the middle.

It is therefore important to organise an introduction of the project to the local population, or selected leaders of the local population, before going into the field. Local level misunderstandings may precipitate dangerous situations for field staff. Where local people are concerned, the monitoring NGO may well work through collaboration with local NGOs long present in the region that can explain the NGO's objectives as a monitor, how it operates and what it will do in the field. Provision of information to the public is an essential element of monitoring and introducing yourself will not only mitigate risks, but also give you a positive image. It will also help the monitoring NGO to get information from those suffering the effects of corruption. Where companies or local elites are concerned, they will have the same need for information as to whom the NGO is, and what it is hoping to do.

If you have doubts about the security situation of your staff in the field, your contingency plan should be put into action. The organisation should have prepared a procedure to be followed during each field trip from the outset of the project. For example, local staff should communicate to head office regularly about their whereabouts and their approximate plans for moving in the following days, who they intend to meet, possible issues that may pose a danger. If no communication is received on the planned date, agreed actions should be taken.

Undertaking covert investigations

There may be attractions to covert investigations, but there are also considerable dangers. The use of a hidden camera, for instance, to record a conversation is illegal in some countries. The government could bring allegations of spying or espionage. All investigators should be aware of the wider legislative environment in which they are working in and of the legislative mechanisms that the government can bring to bear against them.

If the NGO breaks the law, the results may have serious implications not only for the individuals concerned, but may also jeopardise the monitoring initiative, and may implicate other project partners and/or funders. The partners may not then be in a position to lend political support to those involved, even though they may still be involved in helping the NGO out of the problem.

If the NGO does decide to undertake covert operations it should consider what the reaction is likely to be if it and its staff are discovered. Would there be an immediate threat of

physical violence? Would its equipment be confiscated? If this happens, do the NGO also lose its data? The NGO should have a planned response to these situations if it is considering covert investigations as a technique of monitoring.

A simpler method to avoid the risk of being caught breaking the law, is to ask the subject the investigation whether information can be recorded openly. If the subject refuses the NGO can simply make note of their obstruction in its documentation.

Achieving the Monitoring Objective in Agraria

Let us finish this chapter with a look at how Monitoring can be applied to the imaginary country of Agronomia and province of Agraria that we used as our example when discussing Organisational Competence and Planning.

The Agraria scenario is about corruption in the recruitment of civil servants. The first output, with connected activities, which follows, lends itself to Monitoring. Please refer to Page x):

Output 1: Past and present corrupt practices researched and implemented

Activities

- 1.1. *Find and document past and present entrants to civil service exams and their exam results*
- 1.2. *Get testimony of corruption from past and present bribe payers and takers*
- 1.3. *Get testimony of past (or present) civil servants about the system of corruption*

Activity 1.1. "Find and Document past and present entrants to the civil service exams and their exam results" is an activity that lends itself to a monitoring approach. Please see Figure 5 below, which suggests tasks that need to be carried out so that this activity is carried out.

Figure 8: Possible Monitoring Activities in support of the Agraria program			
<u>Output level objective</u>	<u>Possible Monitoring Actions for Activity 1.1</u>	<u>Process</u>	<u>Assumptions</u>
Past and present corrupt practices in civil servant recruitment exposed	Establish what qualifications are required for each position according to any established rules	Identifying baseline standards	The positions to be filled are defined and have qualifications attributed to them
	Compile a list of positions and functions within government departments and the names of people that hold them	Data gathering	Organograms and personnel lists for government departments exist
	Research the staff that currently hold places in the Department or Ministry concerned including qualifications	Data gathering	Your NGO has access to the personnel and their qualifications and these qualifications records are themselves reliable / trustworthy
	Comparing the qualifications for each post against the required	Data analysis	Persons with a recruitment background are available to undertake the analysis
	Writing up the analysis and presenting the results	Sharing the results	All the above steps have been completed and the monitor has enough confidence in the results to publish them

What to monitor

If we continue to use this scenario, one approach could be to track the corrupt activities of low-level individuals and publicise the results, pointing the finger at those identified. However, documenting covert payments made in return for appointments or other forms of corruption may not be possible. And, even if it is possible in this context, it may not necessarily solve the problem. Other individuals appointed through the same corrupt process might simply replace sacked civil servants. Once the political environment is considered, it may make more sense to monitor the recruitment system instead of individuals' activities. This may be a more strategic approach to ensure that any gains made in documenting corruption are sustained.

If the results of Activity 1.1 show that X% of civil servants are not qualified to hold the posts that they do, then analysis will be needed as to why this is the case. Activity 2 suggests getting testimony from bribe takers and givers – which will hopefully show that corruption is the cause of skewed appointments, rather than (for example) the lack of availability of qualified staff.

There is the possible problem that Individual examples of bribery may be dismissed as isolated incidents. Activity 3, however, suggests obtaining testimony of past (or present) civil servants about the system of corruption. This will support the conclusions as well as provide some suggestions as to what we can do about the problem.

All of these activities are mutually supportive and will strengthen the monitoring approach, as it may be difficult to obtain comprehensive data sets for any one of them alone.

How to monitor

The tasks identified under activity 1.1. in the Agraria example might require different government departments to be contacted. In any case we will have to find the location of each of the data sets that we require. We may do this by directly contacting the government departments concerned.

Before doing this, however, we need to assess what might be the likely reaction to a direct request. Is the department likely to be hostile to any monitoring? If it is, once attention has been drawn to the specific information you want, the very documents that you require may suddenly not be available, may have been lost during an office move, destroyed in a fire last year, or may be tampered with – or any other of a whole range of excuses.

The location of documentation might be better determined through informal contact with reliable or retired civil servants or others with specialist knowledge of the functioning of the national or local government. Once we know where the documents are, we have to consider what is the best tactic. Should we:

- Try and obtain a copy of the documents informally?
- Visit the office in person with a well-prepared argument of why the information should be publicly available?
- Make a written request that is copied to many other stakeholders, including officials more senior than the recipient?
- Use Freedoms of Information laws⁸¹?

It is possible to try all of these approaches – e.g. to visit the office of the responsible person informally, and, if the answer is “no”, present a formal argument. If the answer is still “no” then hand over an already prepared letter. This will let the person responsible know that

⁸¹ See Annex 7/1 for a discussion of Freedom of Information laws

there are others involved and that the request will not simply be dropped. It will underline that the exchange is not simply a discussion between them and an individual who is perceived as having no power.

Through whatever means, once the data sets required in this example have been secured, then data analysis can begin, and we can prepare the information that will show how many civil servants got their places by bribes, rather than through their qualifications.

This will then provide us with the information that we will need for Advocacy – the next chapter.

Annex 6/1

Freedom of Information laws

Using legal rights to gain access to information⁸²

In areas where decisions are not made available proactively by state authorities, it will be necessary for the NGO to take the initiative and proactively apply for the information it needs.

There are a number of possible legal provisions that can be made use of:

- constitutional provisions guaranteeing a right of access to official documents, or a wider expression of the right of freedom of information.
- provisions of the administrative code that require for disclosure of administrative acts and other documents and information held by the authorities;
- a law on petitions that permits individuals to solicit information from the authorities;
- a Freedom of Information or Access to Information law.

If a law granting access to public information (freedom of information act) has been adopted in your country, that is the strongest tool you have for obtaining documents and information.

To have the best chance of securing the information being requested, it helps to ensure that the request meets the criteria specified by the law. For example, some laws state that the requestor must provide only his/her name and an address for delivery of the response. In other countries, the applicant may be asked to fill in a specific form. It also helps if you identify the person responsible for handling information requests and make sure that your request reaches them.

You should **not** be required to state the reason for your request, nor to provide any other information about the monitoring project in which you are engaged. Remember: this is a right to information that you are exercising and no one should have to demonstrate why they are exercising a fundamental human right! For more on Freedom of Information laws, see the summary below.

If your initial request is rejected, or if you hear nothing from the authority from which you requested the information, you will usually have a right to launch an appeal. In the first instance this is likely to be an administrative appeal, followed by a court process. In some countries, an ombudsperson, public defender or access to information commissioner can review your request and help you challenge the refusal to provide information.

It is well worth taking the time to familiarize yourself with the law in your country so that you know the best way to use these legal tools that are available to you and how you can exercise your right. If there is an NGO specializing in freedom of information in your country, it is wise to consult with them about the best way to request information. There is a network of activists around the world promoting freedom of information, which provide a wealth of information and advice on how to access information of this kind. The Freedom of Information Advocates Network can be found at www.foiadvocates.net. The Justice Initiative's Freedom of Information Program is another useful place to obtain links to such organizations. More contacts are provided below.

If official information on relevant decisions is not available at all, then monitoring of this type will make little sense unless the press is active enough for media monitoring to yield information on relevant decisions.

⁸² Information obtained from Open Society Institute

WHAT IS AN FOI LAW AND HOW DOES IT WORK?

A typical FOI law will:

- ✓ establish a presumption that all information held by the public should be accessible;
- ✓ establish that all persons, whether or not citizens, can request information;
- ✓ set out a narrowly defined set of exemptions on disclosure, such as harm to national security or protection of personal privacy;
- ✓ establish a balancing test for weighing exceptions against democratic, public interest in releasing the information – for example, in order to expose corruption and wrongdoing or violations of human rights;
- ✓ set out the mechanisms for accessing information – for example by filing written, oral or electronic requests with the relevant authority;
- ✓ specify that no reasons have to be given as to why the information is being requested;
- ✓ establish time-frames for providing the information – the Justice Initiative has calculated the average of 34 laws around the world to be just over 15 days;
- ✓ require authorities to reply to all requests and to provide reasons if information is to be refused;
- ✓ require authorities to appoint information officers and/or establish public offices where people can go to ask for information;
- ✓ establish appeals mechanisms for challenging refusals to provide information;
- ✓ require authorities carrying out public functions to publish proactively certain standard information, such as annual reports and accounts, details of policies, and decisions taken;
- ✓ require authorities to keep a track of FOI requests and make this information public, for example through an annual report to parliament or another supervisory body;
- ✓ possibly establish a special body that hears challenges to refusals and promotes government compliance with the FOI law, such as an ombudsperson or information commission.

While not all FOI laws contain all of these elements, many of the new generation of laws are of a high standard and do genuinely provide for access to information.

Further Information:

For those interested in finding out more about the right of access to information, a few key websites are:

Open Society Justice Initiative	www.justiceinitiative.org
Freedominfo.org	www.freedominfo.org
FOI Advocates Network	www.foiadvocates.net
Global Map of FOI laws	www.privacyinternational.org
Article 19	www.article19.org

and for some examples of national FOI campaigns and anti-corruption work:

Access to Information Programme, Bulgaria	www.aip-bg.org
Libertad de Información, Mexico	www.limac.org
Commonwealth Human Rights Initiative	www.humanrightsinitiative.org
Parivartan, India	www.parivartan.com
Philippines Centre for Investigative Journalism	www.pcij.org

Annex 6/2

How to Handle Documents

Baseline standards (national and inter-national)	Actions from the subject, (supported by official or legal documentation produced by the subject and accessed by the Monitor)	Independent Investigations by the monitoring NGO (testing or complementing official or legal documentation produced by the subject)	Monitor's conclusions - Output	Monitor's review of progress (to be included in next output)
Legislation	<p><u>Carry out a legal analysis</u></p> <p>Are actions or is official documentation produced by the subject in contravention of any provision in relevant legislation?</p> <p>What is the logical process of actions or official documentation followed for a specific issue? Is there breach of legislation?</p> <p>Does the subject respect the legal timeline for actions?</p>	<p><u>Seek additional information on the subject actions and put findings against current legislation</u></p> <p>What observations, testimonies, video and other evidence proving breach of legislation should have been legally acted upon? What is the relevant legislation?</p> <p>What actions and official or legal documentation produced by the subject are in compliance with legislation?</p> <p>Which evidence shows lack of adequate legislation? Are there overlaps, gaps, and contradictions?</p> <p>What legal processes should have been followed and were not, what were the timelines?</p>	<p><u>Bring findings to the attention of the subject and publish results</u></p> <p>Summarise evidence of breach of legislation found and legislative tools allowing the subject or judiciary to act upon it.</p> <p>Note gaps and flaws in actions or official or legal documentation or the subject with legal reference.</p> <p>Note examples of inadequate legislation, overlaps, gaps and contradiction.</p> <p>Note legal processes that should have been followed and were not and the delays in timelines.</p>	<p><u>Check progress made</u></p> <p>Has information provided by the monitoring NGO been integrated or rejected by the subject?</p> <p>Has information on gaps and flaws in actions, official or legal documentation provided by the monitoring NGO led to reasonable action given time elapsed? (e.g. judiciary)</p> <p>Has notes on inadequate legislation led to action? (e.g. debate or process of review of legislation initiated)</p> <p>In similar processes initiated since the previous output, has there been improvement in the</p>

		Does other legislation exist elsewhere (International or in other countries) that could be relevant?	Note other existing relevant legislation.	<p>following of legal processes?</p> <p>Has there been any corrective action? Has there been superficial or meaningful action taken to prevent reoccurrence? Has respect of timelines improved?</p> <p>Has any account been taken of existing other relevant legislation?</p> <p>Has action taken in one area led to regression or other consequences in another? What are they?</p>
Norms	<p><u>Analyse the use of norms</u></p> <p>Which norms are bypassed in the subject's actions, official or legal documentation?</p>	<p><u>Seek additional evidence and analyse whether there is respect of current norms or not</u></p> <p>What observations, testimonies, video and other evidence prove respect or non-respect of norms by the subject?</p>	<p><u>Bring findings to the attention of the subject and publish results</u></p> <p>Note evidence showing non-respect of norms by the subject and indicate relevant norms?</p>	<p><u>Check progress made</u></p> <p>Has the evidence provided been acted upon and has there been progress in the implementation of norms?</p>
Procedures	<p><u>Analyse procedures followed</u></p> <p>\Which procedures appear not to have been followed in the logical process of the subject's actions, official or legal documentation?</p>	<p><u>Seek additional evidence and analyse whether there is respect of procedures or not</u></p> <p>What observations, testimonies, video and other evidence prove respect or non-respect of procedures by the subject?</p>	<p><u>Bring findings to the attention of the subject and publish results</u></p> <p>Note evidence showing non-respect of procedures by the subject and indicate relevant procedures.</p>	<p><u>Check progress made</u></p> <p>Has the evidence provided been acted upon and has there been progress in the implementation of procedures?</p>

Chapter 7

How Best to Fight Corruption through Advocacy

Chapter 7 is for those who have decided that they are ready to use the advocacy tool to fight corruption, and discusses what aspect of the situation they may want to change (laws, policies, practices or behaviour – or more than one of them). It points out the criteria for an advocacy campaign, how you can identify the target both primary and secondary for your advocacy initiative, and how you might go about building alliances and networks. It talks of the need to understand the formal policy making apparatus and the key stakeholders involved in them, the role of organised action, formulating messages and using the media, the particular skills that are needed for advocacy work, how to formulate an advocacy strategy and plan, and finishes with preparing an advocacy plan for Agraria.

Getting Ready for Advocacy

Let us recapitulate. There are two possible routes that the NGO will have taken to arrive at the point where it decides to practice advocacy:

1. Your NGO has decided that corruption is blocking your ability to do worthwhile and sustainable work for the poor:

Examples might be:

- If the NGO is working in the health field, it may have decided that the misappropriation into private hands of drugs that are needed by the people is a significant obstruction to people's health needs
- If it is working in the education field, it may have decided that the misprocurement that has produced shoddy textbooks because of diverted funds is a significant obstruction to children's education
- If it is working with farmers, it may have decided that corrupt expropriation of land and forced displacement of people is something that significantly blocks its ability to help farmers increase their production of food and increase their incomes
- If it is working on natural resource issues, it may have decided that stopping the continuation of illegal logging is fundamental to natural resource preservation

It is likely that the NGO will have many other examples to add to this list. The point is that corruption is preventing the NGO from doing the work that it knows is important and worthwhile.

2. The NGO has decided that the country as a whole is being held back and looted by existing practices, and that they have to be stopped:

Examples might be:

- The NGO may be concerned with the diversion of public funds to political parties
- It may be concerned with illegal levies by the police
- It may be concerned about the sale of jobs in the civil service
- It may be concerned that private businesses are bribing government inspectors to ignore pollution controls, or building regulations
- It may be concerned that the government is passing laws that enable individuals to "legally" steal from the national budget

Again the NGO is likely to have many other examples. The point is that it has identified a field that it considers urgently needs attention.

Whichever route the NGO has taken, it has identified the issue on which it wants to work, the issue on which it wants to effect change.

More than just identifying an issue, it has already done some preliminary research about this issue and it feels that the issue is something that the NGO is able to take on, either on its own, or in coalition with others. It will have undertaken a GOPP exercise and it will have identified the objectives that it thinks it can achieve.

The NGO has now started thinking about the tools that it might use to reach its objectives. On the one hand it is concerned about information. Possibly it thinks that it needs further research and further information and can see ways in which monitoring might help it to get that information – information that in turn will help it to diagnose precisely where the problem is.

On the other hand it has started thinking about how all the information gathered and analyzed can be translated into action that will cause change, particularly change to the corrupt status quo, and a change for the better by reducing or removing corruption. It is ready to start planning advocacy, and it is thinking about the best advocacy strategy.

Advocacy for Laws, Policies, Practices and Behaviour

Advocacy is the way in which citizens try to persuade those who have power in the country, or in the world, to change for the better the rules and regulations that govern them, and which they think are unfair or damaging. It is a tool that can be targeted in many different directions. In general there are four separate strategic targets: Laws, Policies, Practices, and Behaviour. Let us look at each of these in more detail:

1. Laws – Advocacy can be used to change laws where there is a bad law or a law that is ineffective – or advocate to make a new law because there is no law on the issue about which the NGO is concerned.
Laws are, in most countries, introduced, discussed, managed and applied by a working relationship between the executive and the legislature. NGOs need to know the processes (both formal and informal) by which laws are drafted, discussed, passed, and implemented. The NGO should be aware of the windows that there are for citizen involvement in, for instance, parliamentary commissions, or standing committees. The NGO should also be well aware of the ways in which the formal system of formulating laws itself has been corrupted so that laws are passed for bribes or as political favours, or as part of a patron-client relationship with the head of state.
2. Policies – Advocacy can be used to change policies where there are bad policies or ineffective policies – or making new policies where there is no operative policy on the issue about which the NGO is concerned.
Policies are, in most countries, made in and disseminated from the executive, sometimes in connection with new laws, sometimes to respond to a particular problem. NGOs need to know the processes (both formal and informal) by which policies are made and implemented, in some cases policies are implemented without being written down anywhere. Again the NGO should be aware of the windows that there are for citizen involvement in formulating or changing policy - for instance conferences, working groups, white papers and other places in which the executive offers different parts of the citizenry the chance to talk to it.
3. Practices – Advocacy can be used where the practice of a law or a policy is at odds with the formal statement and/or the intent of a law or policy: advocacy can be used to make sure the law or policy is properly practiced.

This is often the situation where corruption is widespread: there is a law or a policy, but it is conveniently forgotten or ignored, and few people have an interest in making sure that it is enforced. NGOs should be aware of ways to bring this law or policy to the attention of both those breaking it and those who can make sure the corruption is stopped. This involves being well educated in the laws themselves, and amassing a lot of evidence to show that the law is being ignored or broken with impunity. In some cases investigation into the actual implementation of the law will reveal the shortcomings of the law and the need for a revised law or policy⁸³.

4. Behaviour – Advocacy can be used to effect changes in behaviour, practice or culture that are not covered by an existing law or policy, but that operate in the domain of informal attitudes and traditional practices.

This is the field that often involves gifts, blackmail, favours, conflicts of interest, and other dubious transactions. Nepotism is one such practice - the granting of advantages to people on the basis of their relationship to a person rather than some objective assessment of their suitability for that advantage. A law may exist but is ignored or is unknown to those with the corrupt behaviour, although their behaviour exists within a moral and ethical context, and can be the object of religious or moral rules. Behaviour is the arena in which culture and custom operate, separately from laws.

Not all issues are equally applicable to an advocacy approach, however. NGOs are more likely to succeed with some issues than others. It is sensible to consider what criteria make an issue good for advocacy purposes, and then to check whether the issue that you are considering fits these criteria. Guidance on this is available in the criteria that follow, which are a set of criteria derived from the work of the NGO CORE in South Africa.

CORE has trained many NGOs in countries of Southern Africa to practice advocacy. CORE promotes civic education of the citizenry about politics and power relations, and encourages their active participation in any advocacy work that is carried out. CORE has specifically designed these criteria for NGOs (as opposed to any other kind of organisation that wants to carry out advocacy).

The NGO should check its short list of issues against these criteria:

Criteria for an Advocacy Campaign

- Will the issue be widely felt (by many people)?
If the NGO is intending to use a mass mobilisation approach, or if it wants to carry out an advocacy campaign that depends on strong backing by the citizens (a letter-writing campaign, a signature campaign, demonstrations, etc), then it had better be sure that the issue it chooses is one that is a high priority for many people, deals with many people's hopes for reform, and has a high indignation / anger / frustration producing quotient. If the issue is more complex, less readily understood, a different strategy may be in order that may involve, for example, demonstrating to the decision-makers the benefits of implementing proposed reforms.
- Will the issue be deeply felt (are people angry, frustrated etc?)
There are issues that are generally vexatious, like the police stopping cars and asking for small illegal levies, but there are also issues that are very important in peoples lives, like

⁸³ For instance, the law on corruption in Indonesia was designed to prevent misappropriation of state income or assets – extortion by individuals outside of the state was not illegal. It was also the situation that when money was stolen from the state - but paid back, no law was considered to have been broken.

their land being sold without their agreement, being evicted from their houses, or losing access to clean water. If the NGO is fighting on issues like these, and it can show that corruption is the cause, it can be sure that the people involved will be very determined and be prepared to put a lot of effort into the advocacy campaign. In fact the NGO may be faced with a problem of handling too much anger that has a possibility of producing a destructive backlash from the authorities.

- Will the issue result in real improvements in people's lives?
Again there are issues that are vexatious, which many people would like to see improved, but they are irritants rather than incidents that dramatically impinge on people's lives – examples might be speed payments for various kinds of licenses, or extra levies for faster service. When the issue is going to mean a real change for the better in people's lives – like access to loans without surcharges, like access to free drugs, like access to jobs without impossible bribes, then the NGO can be sure that there will be a great deal of interest from the citizens in trying to effect the necessary change through advocacy, because their lives will be significantly improved if the corruption is stopped.
- Will the issue provide opportunities for people to learn about and be involved in politics?
Earlier in the book it is stated that there is administrative corruption through which people have to pay because various blockages have been imposed in administrative systems. This book also talked of state capture or political corruption whereby members of the elite use their money to buy control of the administrative system. They then make sure that the system pushes money their way on an ongoing basis, and by implication harms others by forcing them to pay more.

The general public are more aware of the administrative corruption and the regular, irritating ways that force them to pay for services that they should receive free. They sometimes are not aware of the grand corruption through which the laws, the legislature, the judiciary, or the executive are bought and manipulated. The NGO may have an interest in cultivating the public's awareness of the scale and depth of the problem of a particular type of corruption (like state capture) so that it begins to understand how politics is being used to destroy their lives. The public will then more easily be enrolled for reform efforts.
- Will the issue give people a sense of their own power?
Corruption usually involves people who have inherited power or who have acquired power and who then use that power for their own advantage against powerless people. If there is a way that an issue can allow previously powerless people to get control over some of the levers of power – such as having the right of citizen's oversight of the budget or the police, that is an issue that has much merit and that can begin to modify the existing power relations. The more people are involved in participatory governance, the healthier the state.⁸⁴
- Will the issue challenge the relations of power?
Similarly advocacy issues may have spin offs whereby citizens can get hold of information (or other kinds of power) that has previously been kept under tight control – by crooked bureaucrats – like the size of the budget, the choice of development projects in an area, the charges to be levied for utilities. Advocacy about corruption issues has the possibility of implementing strong changes in the balance of power.

⁸⁴ Please see Chapter 9, Case Study 8 about the Uganda Debt Network. Part of this NGO's work is to teach the citizens about the ways that the budget works, and how they can monitor it and influence it.

- Will the issue be winnable?

This is a difficult question to answer. Pragmatically it is not sensible to develop an advocacy campaign, involving much work from many people, on an issue that the NGO has very little hope of winning. It is more than likely that the fact of losing will increase fatalism and frustration amongst its supporters, and predispose them against getting involved in another advocacy campaign in the future. Many people will point out, however, that judging whether something is winnable or not is an inexact science and peoples' passion about an issue can easily modify an otherwise pragmatic assessment of whether something is winnable or not.

The other aspect of whether an issue is winnable or not comes from the Community Organising school of Saul Alinsky.⁸⁵ Organisers who follow his teaching feel that the lessons learnt and spirit engendered in previously powerless people when they become involved in organising for change is very valuable in itself, irrespective of whether they win or not, and is good training for any subsequent campaign. They suggest winning small victories, even if the victory is not particularly important, as this has tremendous power to train and inspire people for the larger campaigns.

- Will the issue help build alliances with other groups and NGOs?

An important aspect of advocacy in respect of anti-corruption is that it is most likely to be successful when NGO activists who are fighting corruption ally themselves with other organisations that may have a larger membership and a clearer constituency. If the issue is one that raises questions about land, there is the possibility of support from farmers organisations; if the issue raises questions about the practices of the private sector, there is the possibility of support from consumers organisations; if the issue deals with small businesses, there are all the chambers of commerce and business associations that could get involved. NGOs fighting corruption are rarely mass organisations, and they need to both conscientize other organisations about the pernicious effects of corruption, and get their support to help them.

- Will the issue have a clear time frame that advantages the NGO?

An important part of advocacy is opportunism – finding events that enable the advocate to bring an issue into a larger context and have more effect. This could be something as simple as linking your campaign to the build up to a national election, or linking it to Independence Day, or a particular event that has significance locally – perhaps 10 years after a party came to power on an anti-corruption platform. A good NGO can link its issue into a time table that will be helpful to it.

- Will the issue be consistent with the NGO's values and vision?

Some NGOs are specifically anti-corruption NGOs, and they are prepared to choose a topic that illustrates any aspect of corruption. Other organisations that get involved in corruption originate in other fields – education, health, gender, water affairs, human rights etc. and have come to anti-corruption work because of specific corrupt practices that are harming good development and good governance in their particular field. An NGO whose mission involves improving poor children's access to schooling will have come to anti-corruption work because of, for instance, illegal levies by greedy school-teachers that prevent poor children attending school. They will be satisfied to get sustainable changes in that issue. Others may be more interested in cleaning up governance throughout the country. Not all NGOs involved in an anti-corruption coalition for a particular issue will have that issue as their mission: some of them will see strategic sense in allying themselves with an advocacy campaign that might advantage their cause later.

⁸⁵ See "Rules for Radicals" by Saul Alinsky. His techniques of "community organising" are strongly practised by NGOs in the Philippines.

Not all these criteria are of equal value, and not all fit all circumstances. It is entirely possible that an NGO could bring in some new criteria that deal with particular circumstances. But it is valuable to think systematically about what elements of the issue you are interested in that make it a good issue for an advocacy campaign.

Identifying the Target

Advocacy is geared to causing changes in laws, policies, practices or behaviour. The existing laws, policies, practices or behaviour are in place either because they have been formally agreed by duly constituted authority, or because they have grown into acceptable behaviour primarily because of seeming immunity – no-one gets punished for practicing such behaviour. In each case there are people or organisations that have the power to effect changes if they are persuaded of the importance of those changes. Such people or organisations are the targets of advocacy, and should be kept in the forefront of the advocacy NGO's thinking. Wherever possible, a person should be identified as the target rather than an amorphous committee or institution, because in reality it is individuals who initiate change and persuade their peers to support them.

In Laws, the target has to be the Legislature, but there are individuals working in government ministries, in ad hoc or standing committee of parliament, or in caucuses who are the likely levers of change. The NGO has to be aware of their interests, the ways that they work formally, and the ways that they work informally to implement their concerns.

In Policies, the target is likely to be very varied, and may be someone within the executive branch of the government or the senior management of a firm. It may even be a less senior person who initiates a policy that then becomes immutable e.g. someone in a bank decided that land certificates can be used for collateral, but that photo-copies will not be allowed, or someone in a firm who initiated the practice of giving Christmas hampers to those involved in a procurement committee. A policy is sometimes backed by a law, but the implementation is often enforced by individuals.

In Practices the target is the person or the institution that is not enforcing the law, and thus allowing corrupt practices to flourish. It is usually the police, but it can be the inspection division of a ministry, or the standards department of a firm. It may simply be the higher levels of any department, like the Customs, or the Tax Collection who do not know what is being done by their subordinates that makes a mockery of the existing law or practice. It is more complicated and confrontational when the higher levels are complicit to the corruption, and indeed encourage it. In such cases advocacy NGOs have to think about appeals to the Ombudsman, the Inspector General, the Auditor General or other watchdog agencies.

In Behaviour, the target is diffuse, because the target is the host of individuals who are paying bribes, or taking bribes, or practising nepotism or collusion. Behavioural problems can partly be tackled by targeting those who employ the people practicing corrupt behaviour, but can also be addressed by targeting those who give moral guidance to the citizens – religious leaders, respected and revered individuals, people and organisations that have moral power over the citizens. It has been a common practice in many elections that students' organisations exhort citizens not to sell their votes because this will result in the wrong people being elected to power. In South Korea (and recently copied in Indonesia) there have been strong campaigns by anti-corruption organisations naming corrupt candidates for election, and urging citizens not to vote for them, whatever the inducements.

NGOs need to know how to identify the targets – how to find out who wields power in a particular field, who is determined to preserve the status quo. The NGO's advocacy campaign is targeted at them, to get them to change laws, policies, practices, and behaviour.

The advocacy strategy is to build up as much pressure as possible from the citizens so that they appreciate that it is in their interests to effect the changes desired. Part of that pressure will come from the use of the media, which we discuss later. At this point it is important to differentiate between primary targets (i.e. those who can specifically make changes) and secondary targets (i.e. those who can influence those who can specifically make changes).

Primary and Secondary Targets

Primary Target

Once the NGO has identified the organisation and the person that it thinks is key to making a change in the issue it has identified, the NGO should consider what such peoples' interest is in the issue. The NGO should not assume that he/she is implacably opposed to its position.

NGOs all too frequently assume that all Government officials are hostile and all are likely to behave on this basis. Because the usual picture is of a government official abusing his or her position to make an illegal income, it is often assumed that all those involved have the same point of view. An NGO that researches the interest of the target audience may find that their position on the advocacy issue is not necessarily what was expected. It is possible that a government official finds the pressures of systemic corruption to be debilitating to the work that needs to be done, and he or she would be very glad to find some way out of the mess.

In some cases the target is already convinced of the rightness of the NGO's case, and is looking for an opportunity to make the same changes that the NGO desires. In other cases the target is sympathetic, but is also aware of other pressures of which the NGO may not be aware. In still other cases the target is opposed, but is under pressure from some other quarter that is sympathetic to the NGO's position. A good NGO tries to find out the influences on the target, and the target's interests in the issue.

One situation may be that the target is not adequately informed about the issue - and simply does not understand how important it is. The job of the NGO then is to make sure that it can explain clearly and persuasively the nature of the issue, and the importance of the issue. It should use the language and the type of arguments that will impress the target, and not just assume that stating the issue from the NGO's perspective will convince the target.

Too much emphasis on targets that may be sympathetic to the NGO's position should not lead us away from the fact that the usual situation in fighting corruption is the opposite – a person in a position of power who is using his or her power to get illegal benefits for a person or group. The target, i.e. the person who has the power over the decision making structure on the issue you are advocating about, may however, not be the chief agent of corruption. There may well be a situation in which the head of finance, or the security guards, or the bank tellers are the ones who are practising corruption, but the NGO's target is the Director of the institution because he or she can do something about the situation.

Many times there are allegations that bribery is syndicated – that those who make the income from bribes spread the income about so that many are implicated. The income may go up the chain of command so that the bosses get a cut from the income made by lower level employees, or it may go down whereby bosses provide patronage payments to lower level employees to make sure they keep quiet. A good NGO must try to make sure whether the target it is approaching is also a knowing and guilty part of the problem or not.

Secondary Target

It may not be that easy for the NGO to get access to the target in order to make its case, or to start negotiating. It may be that the key person is difficult to reach or initially uninterested in talking to the NGO. In such cases the NGO has to identify a "secondary target" - which means the person or persons who can influence the target.

Here the NGO has to think who is in a position to persuade or have some influence over the target, and this becomes the target that they initially contact. It might be, for instance, that a religious leader has a good deal of influence over the target: in such a case the NGO targets the religious leader in order to persuade him or her of the rightness of the issue with which they are concerned. The plan is then that the secondary target uses his or her influence over the primary target either to make the case, or to get the NGO access to the primary target.

If the NGO has little influence over the target, and its ideas by themselves are not enough to convince the target, then it has to think how its ideas can best be carried to the target's attention with the greatest chance of success. This is where the NGO must think of tactics. Is it possible that someone else (a sympathetic politician, perhaps) can initially carry the NGO's ideas to the target? Is it possible that it can get access to some conference, where it can have its ideas presented, perhaps by someone else? Is it possible that the NGO can arrange for the target to visit some place where the issue is clearly demonstrated and build on that?

The smart NGO has to think of all the different tactics that are needed in order to get the issue to the target. Sometimes it is important to find some other person or organisation to carry the NGO's ideas to the target.

Another important point in the NGO's relations with the target is to think through the options available to the target if he/she was convinced of the case that the NGO is making. In some cases the NGO may find that the target is sympathetic, but s/he explains that their hands are tied, and that they have no room to move in the direction that the NGO would like them to move. The NGO must put itself in the target's shoes, learn as much as possible about their situation, and consider tactics and strategies that would help the target advance the cause the NGO is advocating.

Many NGOs are strong on being adversarial – they have many skills in pointing out what is wrong – but are much weaker in suggesting alternatives. Before starting an advocacy campaign an NGO should do some serious brainstorming about what it is recommending, not just what it is attacking.

If the NGO is clear who is its target, and it knows how to influence that target, then it needs to think about alliances, about how it can increase the number of supporters for its cause so that they will have an effect on (even possibly frighten) your target.

Building Alliances, Coalitions, and Networks

Building groupings with others around an anti-corruption advocacy issue is a complex and fluid process - but such groupings offer a number of advantages to an NGO engaged in an anti-corruption advocacy campaign:

- They provide strength in unity and numbers, and therefore facilitate greater impact
- Broad based campaigns that are national in character gain greater legitimacy with the public and decision makers
- Groupings enrich advocacy campaigns through the pooling of resources and the availability of a broader range of services and skills
- They provide the possibility of sharing information and experience
- They offer additional capacity for nationwide monitoring since other members of the group may well have branches in places that the NGO does not.
- They help to build support not just within a particular sector, but, with a wide range of partners, across sectors.

Organisational Groupings

There are three general ways in which organisations group together for advocacy (and it is important to appreciate that the range of organisations can be wide e.g. Trade Unions, Religious Organisations, Student Groups, NGOs, Youth Groups, Professional Associations). These three are:

1. Networks: this is a group of individuals or organisations who share information, contacts, and experiences for specific purposes. They have usually established a set of rules or protocols to assist them in managing the network.
2. Alliances: these are looser agreements to collaborate on some particular actions between organisations, which do not necessarily have formal rules or obligated resources.
3. Coalitions: these are more formal alliances for combined action in which each of the coalition members obligates some resources (possibly financial, human, time, in-kind support etc). Coalitions would probably have a more formal structure possibly with a secretariat.

Some Effective Guidelines

- Members of alliances, coalitions or networks should agree a plan of action based on shared values and objectives, and a time frame. Those involved in anti-corruption come from many different backgrounds, and it may be difficult to find collaborative working relations between people with very different backgrounds.
- The capacities and constraints of each member should be determined and tasks assigned accordingly - making realistic time and resource commitments. Members should be held accountable to these commitments.
- Some kind of secretariat, formal or informal, should be created to manage, co-ordinate, and control joint efforts, on the basis of clear operating guidelines.
- These groupings should be democratically run, inclusive and transparent. Provision should be made for regular consultation and information dissemination amongst members. If there are no such consultations it is very likely that the group pulls in different directions and breaks up.
- A distinction should be made between core groups that make decisions and peripheral support groups that help with specific activities.
- Mechanisms should be agreed for inter-group bargaining and conflict resolution.

Things that can go wrong

While groupings offer a number of advantages to an advocacy campaign, we should not forget some of the possible disadvantages. They can be:

- Uneven commitment amongst members. Some may join for excitement or the fun of being involved in a national campaign, others may be serious
- Power struggles over ownership or inequality of power
- Lack of co-ordination
- Difficulties in reaching consensus and/or the need for too many compromises in order to keep all members happy
- Domination by experienced NGOs and smaller NGOs representing smaller regions or districts may feel that the important aspects of their local issues are lost in a national campaign.
- Hijacking of the grouping in pursuit of individual or organisational objectives
- Conflicts of interest
- Unnecessary bureaucracy in decision making

- A few members burdened with too much work, especially where members have different capacity levels
- Inadequate sharing and mutual building of capacity
- Expense of maintaining long-term groupings
- Derailment of individual NGO objectives.

If the NGO's issue is clear, its target is clear and its coalition of supporters is becoming clear, it needs to think about its level of knowledge about the levers of power and how they operate both formally and informally in your country – particularly how the mechanisms operate for creating or changing laws and policies.

For an interesting example of a successful coalition, see Case Study 3 in Chapter 9 – Civil Monitoring of Presidential Decree 95. The Open Society Georgia Foundation contacted different organisations on the basis of their expertise and experience. As they stated: “This potential coalition soon numbered more than twenty member NGOs who signed a Memorandum of Cooperation that outlined the responsibilities and relations among the NGOs”

Laws, Policies and the Key Stakeholders in developing them⁸⁶

Policy making systems help establish the rules that govern states and societies. They are made up of institutions and people with different understandings of their society's problems and different stakes in the policies that address them. They are changing and dynamic, and these systems vary from country to country. Each operates in a particular political and cultural context with differing characteristics and players. NGOs that want to get involved in advocacy should be aware of such systems, and how they operate⁸⁷

Stages of the Policy Making Process

In most settings the public policy process involves a combination of stages that include:

1. Agenda setting: getting an issue or problem on the policy agenda for consideration
2. Formulation and enactment: developing a policy that responds to the issue and getting it passed into law or statute (or other kind of instruction) by the relevant agency or branch of government
3. Implementation and enforcement: putting the law, statute, policy etc. into action and enforcing it when necessary
4. Monitoring and evaluation: monitoring and assessing the policy's application and impact.

During the agenda setting stage, an issue or problem is placed on the public agenda for government action. Once on the agenda a policy can be formulated that responds to the problem and, if successful, can be approved and enacted into law. After enactment, the law or policy passes through an implementation and enforcement phase where its provisions are supposed to be fulfilled and enforced. In the best of cases its implementation and impact are then monitored and evaluated so that the policy can be reviewed. Depending on the results of the review, the policy may be re-introduced to the agenda, re-formulated, repealed, or, if the law/policy is not being implemented, enforced more vigorously.

⁸⁶ This chapter is taken from IV - the Public Policy System, in the book "Advocacy Sourcebook" by the Institute of Development Research.

⁸⁷ Please See Annex 7/1 "Policy Analysis Notes" by Joel Rocamora in "Understanding Government" produced by the South East Asian Committee on Advocacy

This classification looks to a situation of good governance in which there are rules, and they generally are obeyed. As has been shown by the boxes that are part of the text of this book, this is often not the case. Policies may be deliberately manipulated and kept hidden from the public, or they may not be hidden, but the structures for citizen participation may simply not be there, or not be used. Of great interest to NGOs is whether there is the opportunity for them to formally get access to the policy making process.

NGOs may also get involved with another possibility - where an old law or policy has become irrelevant to the present circumstances. In such cases it is very useful to do some historical research to find why the original policy or law was first introduced, what was the context, and who were the original stakeholders. Such information is very pertinent in exposing the present irrelevance of out-dated laws.

In the best of circumstances, advocacy interventions can occur at any stage of the policy process and usually involve stopping something from happening, or getting something done - for example:

- getting an issue onto the political agenda:
- getting a policy approved:
- getting a law enforced:
- getting an existing law or policy modified or revoked.

In some political settings, as we have said before, advocacy may be more difficult during certain stages because the process may not be public, easily accessible, or amenable to intervention.

Embedded within over-lapping systems of economic, political, and social power, the policy making process produces differing outcomes depending on shifting power relationships within society. The process is never neat. For example, sometimes laws are passed, but opponents work against having the legislation implemented or enforced. Other times, Government money is allocated for programs, but never spent. And sometimes, groups doing the advocacy are marginalized, while more powerful groups reap the benefits.

Stakeholders/Policy Players

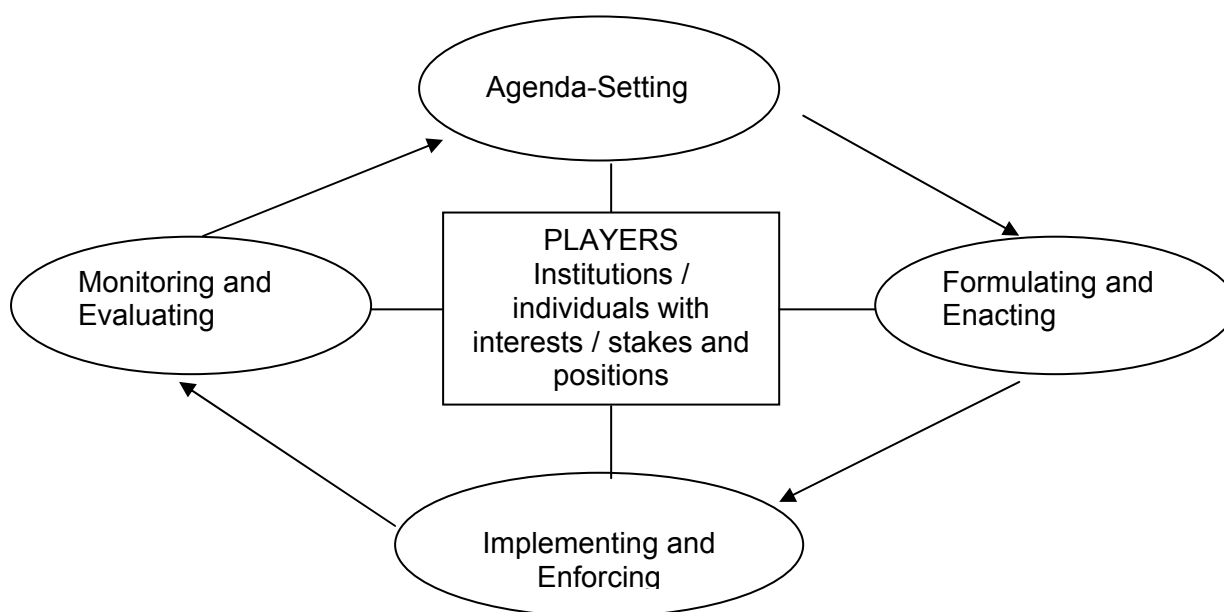
The results of each stage of the policy process can be influenced by a variety of stakeholders and policy players - people and institutions that are concerned about a particular policy and the problems that it is designed to address. Each of these stakeholders have their own interests and ideas vis-à-vis the policy. The different positions and stakes they have in a specific policy shape how they will act - some in favour, some opposed: some hold very high stakes regarding its outcome, and some have only nominal interest in the result. In optimal democratic circumstances, stakeholders have the opportunity to influence every phase of the process. This can be seen in the diagram on the following page - Figure 7: Stakeholders in the Policy Process

In the centre of the policy making circle are the stakeholders and players - key institutions or individuals from those institutions who are or can be influential in the process. Also included are the stakes that individuals have in the policy outcome as well as their positions on the policy itself, since these affect what they will do.

In more closed regimes and situations of large power differences, NGOs and citizens organisations may not have access to all stages of policy making. Power holders often want to have policies discussed in closed sessions to which NGOs cannot gain access.

Once policies are made public, advocacy interventions are much more problematic, and can entail danger because the NGO is challenging something that has gone through due process.

Figure 9: Stakeholders in the Policy Process



Depending on the particular circumstances, NGOs and their coalition allies enter the process at different points. Some may be able to influence the entire process from agenda setting through to monitoring and evaluation: others may enter at the formulation or enactment stage. Still others may get involved at the implementation and enforcement stage. In a coalition effort some members may be particularly effective in one stage over another, and consequently, may be brought in at that point for maximum impact. The smart NGO looks at the ways in which policy is made in its country, and determines where in the cycle it has the opportunity to have influence, by itself, or in coalition with others.

Tools for Analyzing Policies and Stakeholders

Two tools are offered on the following pages as assistance for NGOs looking at the questions of policy and stakeholders: these are charts that enable the NGO to fill in the information that it has in a specific place, which will then help it to see a pattern, and on that basis make good judgements and plans for involving itself in the policy process

1. *Policy System Overview Map*
2. *The Policy System - Close Up Map:*

Some important points to keep in mind as the NGO analyzes the policy process:

- There is often a big difference between what is happening according to the formal rules or procedures of the policy making system and what happens in reality. Stakeholders and policy players may say one thing and do another: policymakers, for example, may say they support the NGO's position and then vote against it or work against its position behind the scenes. Cultural traditions or religious customs may predominate in a society and not follow or be susceptible to formal rules or secular laws.
- It is important to identify (for all players) points where their interests converge, and where they are in conflict.
- The more specific the issue, the easier the mapping and analysis is.

Figure10: Policy System Overview Map

(Fill in the spaces to help in analyzing and planning the NGO's advocacy work)

This schematic allows the NGO to summarize the main players active in each phase of the process and their positions - the institutions and groups concerned about the issue, the key individuals from those institutions working on the policy, what stake or interest they have in it, and what they think about the policy.

Policy or Issue:				
Players Phases	Institutions	Individuals	Their interests/ stakes	Their positions
Agenda Setting				
Formulating and Enacting				
Implementing and Enforcing				
Monitoring and Evaluating				

Figure 11: Policy System Close Up Map

Fill in the spaces to help in analyzing and planning the NGO's advocacy work

This schematic allows the NGO to chart and fill in information about key actors for each stage of the policy process and includes different levels of players from international agencies to local government officials and community groups.

Policy Stage (circle one)	<ul style="list-style-type: none"> • Agenda Setting • Implementing & Enforcing 		<ul style="list-style-type: none"> • Formulating and Enacting • Monitoring and Evaluating 	
	INSTITUTION	INDIVIDUAL	INTEREST/ STAKES	POSITIONS
Level of Government decision makers and players				
National				
Provincial				
District				
Other				
Other major players				
NGOs				
CSOs				
Media				
Political parties				
Business				
Labour				
Churches				
Academics				
Professionals				
International players				
Donors				
INGOs				
UN Bodies				
World Bank/IMF				
Regional Banks				
Other governments				

Organised Action

Once the NGO has initiated an advocacy campaign, the campaign will not only have to do something (and be seen to do something) to start the process of demanding change, but it will also have to build up the awareness the public about the issue and the self-awareness and power of your supporters. There are a wide range of possible organised actions that will fit appropriate contexts and cultures, but basically the purposes of organised actions are:

1. to start (or continue) the process of change – making those in power realise that there are others who are advocating for change
2. to start the process of educating the NGO's own followers so that they have the ability, if they act in concert, to bring about change
3. to educate both the people who are participants and bystanders about the issue at hand
4. to demonstrate to the NGO's targets both how strong your movement is, and also how competent it is.

In Annex 7/2 there is a very interesting list of 198 ways of making change by non-violent protest and persuasion produced by Consumers International that makes the reader realise that creative and attention grabbing organised action is effective as well as mass mobilisation.

- Methods of Non-Violent Protest and Persuasion
- Non-cooperation with social events, customs, and institutions
- Methods of Economic Non-Cooperation: Economic Boycotts
- Methods of Economic Non-cooperation: the Strike
- Methods of Political Non-Cooperation
- Methods of Non-Violent Intervention

The organised actions are directed at:

1. The NGO's targets – to persuade them of the rightness of its cause, or to embarrass them or other wise pressure them
2. The NGO's supporters – to encourage them to feel that they have some ability to influence people with power, and to increase their self-confidence
3. The Media – to show the media what the NGO's supporters can do. It is expected that the media, if sympathetic, will act as an important multiplier of the NGO's pressure that it is bringing to bear on the target. The media is likely to be seen by the people with power over the issue on which you are advocating, and will likely have an influence over them.

The NGO also has to be very aware of the possible negative consequences of actions of this kind. Apart from supporters getting out-of-hand, destroying property and alienating the public, there is the possibility that the advocacy campaign will bring a violent response from the state or from private armies retained by private firms, and that this response will harm your supporters. It is also possible that the media may decide to produce negative publicity (possibly under the influence of the government) that will try and picture your supporters as something other than what they are (e.g. members of a political party, extremists of a particular cause), or will simply ignore them and give them no coverage at all (again quite possibly under instructions from the government). However much Zimbabweans, for instance, will protest the corruption in land allocation or in politicians getting control of minerals from the Congo, their protests will never be shown in government controlled media.

Formulating Messages and Using the Media

The media and the message that is used in an advocacy campaign should match two groups of people:

- the target audience (i.e. the people the NGO is trying to change)
- the support groups (i.e. the people the NGO is trying to get on its side in the campaign).

Different media and messages can play many different roles for the NGO: if it wants people informed, then, with the right message, the media can play the role of an educator through information dissemination. If it wants people to be persuaded, then, with a different message, the media can play the role of an opinion maker through persuasion.

The Message

The message that the NGO intends to use to convince people has to be appropriate to the people being targeted. It has to have the appropriate degree of complexity or simplicity: it has to be in the right language, and to hit the right tone.

It may have specific facts, evidence or examples that will make sure that the message is convincing. There may need to be more than one message, targeted at different audiences.

The skills of the advertising profession are what NGOs need for constructing a message. NGOs should see if they can get assistance from sympathisers with such skills. Looking at the messages and drawings of anti-corruption organisations around the world, there seem to be a large number of pictures of rats (nibbling away at wealth), thieves (sometimes with their hands in each others pockets), and payments being passed beneath tables. NGOs may want to use these icons, or identify a visual image that fits the local culture.

In general an advocacy campaign should have a very specific objective, rather than just be generically about fighting corruption, and the message should reflect that. To use the example of Agraria, the objective is stopping corruption in the awarding of civil service positions, and so the message might be along the lines of “No Jobs for Money” or “Make sure the best person gets the job, not the best briber”. The NGO’s message, in effect, is the tightest, most concentrated form of its purpose.

The Medium

The choice of which medium to use is also very important. Some examples are:

- Audio-visual materials (video cassettes, audio-cassettes⁸⁸, slides)
- Visual material (posters, leaflets, badges, pictures)
- Newspapers, magazines
- TV or radio (news coverage, debates, documentaries, dramas)
- Drama and traditional media
- Song

Consider the following factors:

1. Availability (to whom is a particular media available?)

⁸⁸ Before Ayatollah Khomeini came back from Paris to Iran and took over from the Shah, he had prepared the way by sending large numbers of audio cassettes in advance which described the abuses under the Shah, including corruption. These were often played on the speaker systems of long distance buses to very large numbers of listeners, and were an important element in his popular support.

2. Effectiveness (is a particular medium likely to have any impact on the NGO's intended audience?)
3. Accessibility (can we get the NGO's material into this particular media?)
4. Outreach (how far does this media extend in the country? Who can receive it?)

Getting the Media on your side

Media can be thought of as an instrument for the NGO to use to get its message across - but it can also be an ally helping the NGO with its advocacy campaign as a whole. NGOs, wherever possible, should sensitize the media to the specific advocacy issue they are concentrating on, and, if possible, should involve the media in their campaign. It is entirely possible that the media can take up the NGO's issue and become a partner in promoting it, or it is possible that individual people concerned with the media can help by promoting its issue through the particular parts of the media for which they are responsible. An example would be getting its issue discussed on a phone in programme or a common affairs discussion.

Here are some possible ways to get the media on the NGO's side:

- Lobby people in the media to contribute to the NGO's campaign through providing it with free space or time.
- Request media people for their expertise in designing campaign materials and designing a campaign media strategy
- Create alliances with particular media people, especially those affected by the issue, or people who can articulate the problem well, so that they can help the NGO in its advocacy work.

Some Cautions in Using the Media

While the media can be very helpful to advocacy NGOs, there are some aspects where NGOs need to be cautious:

- Some media organisations have their own agenda and can distort issues of stories that the NGO feeds them in order to serve their own interests.
- Some media personnel can simply be incompetent at putting over the story that the NGO is feeding them. Interviews, for instance, may well not turn out as the NGO expects, because the interviewer leads the interview in a direction unhelpful to it. It is usually better to give the media written handouts that put the NGO's case well.
- In some cases the media will be looking to the NGO as a source of "exposure" or "scandal" stories that will increase confrontation and conflict between the NGO and the people who are the target of the advocacy campaign. This may be counter-productive to the NGO in its objective of having constructive dialogue, particularly with the government. On the other hand, the NGO may be interested in confrontation – and will be delighted by every opportunity to embarrass its opponents.

Skills Needed for Advocacy Work⁸⁹

The kinds of skills required for advocacy work may not be the same as those required for the other kinds of work of the NGO. It is sensible for a NGO about to embark on advocacy to consider the skills that it will need and compare those with the skills that it has in the organisation. If there are gaps then the NGO has the chance to try and build capacity where it is weak, or the opportunity to ally itself with another organisation that may have some of the skills that it lacks.

⁸⁹ This section adapts the work of CORE's Advocacy Workshops in Southern Africa

The skills that are most needed in advocacy work are:

- Research and analysis
- Strategic planning
- Communication and Media Use
- Networking
- Negotiating

Many people would put Negotiating as the most important skill - but it needs to be broken down into its component parts to understand it better. They are:

- Patience
- Persuasion
- Ability to compromise
- Ability to read peoples reactions
- Diplomacy
- Good listening
- Ability to keep on track (not "take your eyes off the prize")
- Lobbying skills and ability to marshal arguments
- Ability to handle stress and conflict.

Alan Fowler in his book⁹⁰, "Striking a Balance" suggests six skill areas that NGOs need for advocacy work, but that they may not find it easy to supply:

Untainted Leadership: This does not mean someone with no allegiances or affiliations, but a leadership that - while perhaps radical - cannot be legitimately accused of personal promotion, egotism, and pursuit of self-interest on the backs of those in whose name policy change is advocated

Development Legitimacy: This derives from the quality of the work being done, with practical alternatives to existing policies being one of the most powerful features for leverage

Analytical Ability: To be heard by policy makers, CSO staff have to be able to use compelling arguments, which usually calls for a high level of abstraction and analytic powers often spanning more than one discipline: because professionals feel a natural affinity towards those with the same training, they are more likely to listen to and respect NGOs who provide a professional match

Relational Capital: This is drawn up from collaborative experience generating the trust that can be drawn on when mobilising pressure on many fronts. Creating this capital requires previous investment in networks, coalitions, and exchange of assistance. While opportunistic links are obviously useful, they cannot be relied on in the same way.

Professional Competence as Advocates: Policy influencing is also a specialism where professional competence is vital. This includes: intellectual integrity, good interpersonal verbal and written skills, links to a variety of organisations including the media, and ability to conceptualize complex processes, a sound grasp of technical details and evidence, good judgement of timings for actions, and a clear analytic framework. Also critical is respect for those at the periphery who are not in the public eye, but on the edge where the struggle to meet the organisation's mission is less glamorous, conditions are harsher, and personal harassment a real concern.

⁹⁰ "Striking a Balance - a guide to enhancing the effectiveness of non-governmental organisations in international development" by Alan Fowler. Earthscan London 1997

Documentation Ability: Often CSOs need to prove what leaders and officials have said or committed themselves to, which calls for the ability to document information and retrieve it accurately.

Let the NGO look at this passage and ascertain whether (a) it agrees agree these skills are important, and then (b) whether it has these skills. If it feels that such skills are needed, but it does not have them, it should ascertain where such skills may be acquired. It is possible, though unlikely, that such skills may be available through formal training courses. Other ways of acquiring such skills are:

- Attachment or secondment to another organisation practising advocacy regularly where such skills are used (and NGOs are well advised to look beyond other NGOs - to Trade Unions, for instance. or hiring a consultant to work with the NGO and build certain skill capacities)
- Study tours with different institutions where such skills are practiced.

A source of information on where such institutions might be located is “The Advocacy Institute” in Washington DC, USA – please see references in Chapter 8 “Sources and Resources”.

Elements of an Advocacy Strategy

If the NGO is ready to plan an advocacy campaign on some aspect of anti-corruption, it is the time to look systematically at 10 elements⁹¹ that are necessary for an effective advocacy strategy, and to improve your understanding of the knowledge, skills, and resources required. These ten elements are invaluable pointers to what your NGO must do to manage an effective anti-corruption campaign.

The Ten Elements are:

1. Clearly state the problem or issue
2. Develop a goal and a set of objectives
3. Identify the target audience(s) to engage
4. Identify other groups who are affected or could be affected through your advocacy campaign (positively or negatively)
5. Formulate the advocacy message and identify the media needed to get the message out to the target audience
6. Prepare a plan of action and schedule of activities
7. Identify resource requirements (human, organisational, financial)
8. Enlist support from other key players: other NGOs, the public, government etc.
9. Identify monitoring and evaluation criteria and indicators
10. Assess success or failure, and determine next steps

These ten elements are so valuable as guidelines for an NGO entering an advocacy strategy, that it is sensible to look carefully at the full, annotated list, together with their supplementary questions. These are supplied at Annex 8/3.

Other Kinds of Advocacy

Pressure behind the scenes

So far we have been looking at advocacy from a populist perspective – i.e. what can NGOs do to involve the people in putting pressure on government or the private sector for change.

⁹¹ Taken from CORE South Africa’s, “Advocacy for Southern Africa”, USAID 1996

We believe this plays into the comparative advantages of NGOs, as described in Chapter 2. There are, however, kinds of advocacy that are played out behind the scenes by NGOs involvement in, for instance, Expert Working Groups, Advisory Committees, Special Commissions and the like. Their value often comes when a government appreciates that reform is necessary, but would like to have a consultative process involved in effecting such reforms. It is important in such situations that NGOs are invited to be part of such groupings, and allowed to put forward their point of view.

Sometimes invitations to join such groupings come as the result of a campaign that the NGOs has already undertaken that has raised the consciousness of the public and the government about an issue. MKSS in India, for instance, having exposed corruption in payments for public works projects by publicizing the muster rolls, was invited by the Government of Rajasthan to advise them on freedom of information legislation. Transparency Slovakia, having made a lot of noise about corruption in procurement, were invited to sit on committees to reform the rules of procurement. (see Case Study 2, Chapter 9)

Strategic Litigation

One very useful adjunct to advocacy is a legal trial that deals with a particular issue relevant to advocacy. The NGO can itself initiate such a trial, or take on the defense of a person whose case illustrates an important issue concerning corruption. An example might be that a person has lost their job because they “blew the whistle” on corruption in their place of work, and the NGO might seek the person’s re-instatement - arguing the importance of his or her work in uncovering corruption. The importance of the case is that if the judgement goes for the plaintiff and the NGO, it provides a legal precedent for future cases of that kind, and it also sends a clear notice to those who may be inclined to punish whistle-blowers that such actions may not be tolerated by the law in the future.

A specific example of setting a legal precedent comes from Lesotho where a very large corruption scandal in a water infrastructure project resulted in a court case where the government of Lesotho claimed restitution of money from those illegally receiving bribes from very large civil engineering firms, as well as prosecution of those companies involved for corrupt practices. The Government of Lesotho took on some very large companies and won their case. The defending lawyers entered into the case the argument that corruption harmed the country, apart from the specifics as to who paid bribes to whom. This is the first time that the damaging effects of corruption on a country’s environment and governance were admitted into a corruption case, and now it can be used in future cases, following Lesotho’s precedent.

Another aspect of strategic litigation as an adjunct and support for an advocacy campaign is a class action. This means that a plaintiff is allowed by the judge to represent a large number of people who have been affected by a particular breach in the law. Such class actions have the possibility of enormous publicity and education of the citizenry as the results of the corrupt practices are revealed to affect very large numbers of people. It does very much depend on the judge and the legal regime in each country as to whether he or she will admit such a legal argument in court or not. An example from Surabaya, East Java, Indonesia: a local NGO, a legal aid organisation, brought a case against regional parliamentarians who had ostensibly gone on a trip to Asian countries to attract investment to East Java, but in fact had not visited the countries listed and had spent their time shopping in Singapore. The NGO argued that the citizens of East Java had been harmed by the money wasted from the provincial budget, money that was intended for their welfare. The NGO was allowed by the judge to speak on behalf of the people of East Java. The context was the recent decentralization of power from the centre to the provinces and concerns about the abuse of this decentralized power.

Preparing an Advocacy Campaign for Agraria

With all the materials provided in this Handbook, the reader has enough tools to enable him or her to construct an Advocacy strategy. The Ten Principles, together with the check list of questions, will help to make sure that the reader's NGO thinks of all the aspects of an advocacy strategy that will be needed.

For the sake of practice, and to sharpen the NGO's skills, it is worthwhile to take an actual example of an advocacy campaign in your country and apply the Ten Principles to it. Where the NGO knows some of the actors personally, it is valuable to go over the case study with them and learn more of how the advocacy campaign was carried out.

When the NGO is ready to plan its own campaign, however, it is useful to have a structured way of planning for and preparing for it. These can be provided by worksheets arranged to fit the Ten Principles. These worksheets appear in Annex 8/3, and they consist of:

Worksheet 1: Analyzing Problems, and Purposes: Planning Outputs

Worksheet 2: Planning to Implement Outputs

Worksheet 3: Planning to Implement Activities (as part of Outputs)

In order to practice the use of these worksheets, let us take up again the example of Agraria that we started in Chapter 5 dealing with organisational management and planning, - but now looking at Advocacy.

In that section we had an output objective (No.2) that looked as though it could very well be achieved through an advocacy strategy. The Output and its linked Activities were:

2.	A popular reform campaign is implemented
2.1.	Identify and recruit high level supporters of your reform effort
2.2.	Produce materials through all media (papers, radio, journals, street theatre, songs, public meetings etc) about recruitment corruption and its harmful effects
2.3.	Inform relevant offices of the Civil Service of your intentions to campaign about corruption in recruitment
2.4.	Build a pressure group for clean recruitment.

Let us look at an advocacy strategy for Agraria based on this.

Firstly let us refresh ourselves with the original problem, original purpose, and show how the advocacy output will help to achieve the purpose

Planning the Advocacy Strategy

Problems, Purpose, Objectives, Activities of the Advocacy Strategy on Civil Service Recruitment

<i>State the Problem / Issue (having tested it against the checklist)</i>
<ul style="list-style-type: none">Recruitment to the civil service in Agraria is dependent on bribes
<i>State the Overall Purpose of the Agraria Program</i>
<ul style="list-style-type: none">To make civil service recruitment in Agraria free of corruption in two years

State the Overall Objective of the Advocacy Strategy	
<ul style="list-style-type: none"> • A popular reform campaign implemented against recruitment corruption 	
State the Planned Activities that will Support the Advocacy Strategy	
2.	<u>A popular reform campaign is implemented against recruitment corruption</u>
2.1.	Identify and recruit high level supporters of your reform effort
2.2.	Produce materials through all media (papers, radio, journals, street theatre, songs, public meetings etc) about recruitment corruption and its harmful effects
2.3.	Inform relevant offices of the Civil Service of your intentions to campaign about corruption in recruitment
2.4.	Build a pressure group for clean recruitment.

Check the logic again. Do these Activities look like they will lead to that Output? Does this Output lead to that Purpose? Does that Purpose look like it will solve that Problem?

Outputs

If the answer is yes, we can move onto thinking how to implement the Output. For each output we need to think about:

1. What is the Output?
2. What actions or activities are needed?
3. What are the target groups for this objective?
4. What is the appropriate message for this target group?
5. What is the appropriate media for this target group?

Please see the next page for some suggested answers.

Activities (actions)

Next we need to move onto thinking through how we will implement each of the activities. For each Activity (action) within the Output we need to think:

1. What is the activity (action)?
2. What is the time-frame?
3. What are the resources that are needed?
4. What support is needed from other groups?
5. What is the appropriate media for us to use to get support from other groups?
6. What indicators can we use to monitor the implementation of these activities and to evaluate the result of these objectives?

Please see the following page for some suggested answers.

Workplan

Finally we need a workplan. We can use the same model of workplan that we used before, but this time use it only for the Advocacy Campaign. Please see it on the subsequent page.

These Worksheets, together with a Workplan, should enable the NGO to plan a comprehensive advocacy strategy. Remember, however, that advocacy campaigns rarely go smoothly or in the same way as they were planned. The NGO needs to be able to adapt, seize opportunities, modify plans, take advantage of new players or other changes in the environment, and yet keep its eye on the main goal, or, as the civil rights movement has

said, “Keep your eyes on the Prize”. The people, or the organisations that are the target of the NGO’s advocacy campaign will not just give up their positions because the NGO has mounted a campaign. They will have to be convinced and persuaded.

Annex 7/6 will give you plain sheets for the three worksheets and the Workplan.

Recapitulation

Chapter 7 has provided the NGO with the analysis and instruments to plan carry out an advocacy campaign. To a large extent that advocacy campaign would have been build on information acquired by monitoring, which was the subject of Chapter 6. The ability of your NGO to sustainably carry out both monitoring and advocacy is the subject of Chapter 5. And your NGO’s desire and commitment to fight corruption is addressed in Chapters 1-4.

May the reader’s NGO have success in fighting the cancer of corruption!

PLANNING TO IMPLEMENT OUTPUTS FOR CIVIL SERVICE RECRUITMENT CAMPAIGN				
Output	Activities	Target groups	Appropriate message	Media
2. A popular reform campaign implemented against recruitment corruption	2.1. Identify and recruit high level supporters of your reform effort	Clean and respected citizens	"It is time to do something about the corruption "	Personal meetings
	2.2. Produce materials through all media about recruitment corruption and its harmful effects	The General Public	"Bribery in civil service recruitment gives us useless civil servants"	Radio, TV, newspapers, public meetings
	2.3. Inform relevant offices of the Civil Service of your intentions to campaign about corruption in recruitment	The offices responsible for recruitment	"The people are fed up with bribery in civil service recruitment"	Circular letter and newsletter
	2.4. Build a pressure group for clean recruitment.	The general public – particularly youth and faith based groups	"Let us clean up the recruitment process and make sure we get good civil servants"	Advertisements and circular letter

PLANNING TO IMPLEMENT ACTIVITIES FOR CIVIL SERVICE RECRUITMENT CAMPAIGN					
Activities	Time frames	Resources	Other supporting groups	Appropriate media for other groups	Criteria for monitoring
f	6 months	Well-connected individuals Introductions Transport Cell - phone	Students NGOs, Faith based organisations	Brochure and fact sheet	Good quality person recruited and active in the campaign
	6 months	Writers / illustrator Printers People able to handle radio and TV interviews Funds Printers Admin staff for distribution	Journalists NGOs Faith based groups	Circular letter and fact sheets	Saturation coverage on all local media with favourable feedback from readers, viewers, listeners through phone in sessions
he	Over the 2 years of the program	Informant into the structure of the civil service Writer Printer Illustrator Funds Admin staff for distribution	Retired civil servants Civil service union	Circular letter and brochure	Feedback from civil servants approached
	Over the 2 years of the program,	Lists of anti-corruption activists Funds Newsletter writer Group promoter and manager	Journalists NGOs Faith based groups	Recruitment forms Brochures	50 active volunteers over the life of the project

Output	Activity	Task	Responsibility	Budget	Schedule							
					Year 1				Year 2			
					Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
aigned nted st ruption	2.1. Find and Document past and present entrants to civil service exams and their exam results	1.1.1. Identify relevant people and files	X	\$...... ..	x	x						
		1.1.2. Request permission to read	X		x	x						
		1.1.3. Threaten exposure if no permission granted	x			x						
	2.2. Get testimony of corruption from past and present bribe payers and takers	1.2.1. Publicly request voluntary information	Y	\$......	x	x						
		1.2.2. Make personal visits	Y		x	x						
		1.2.3. Get affidavits of copies	Y		x	x						
	2.3. Get testimony of past (or present) civil servants about the system of corruption	1.2.1. Publicly request voluntary information	Y	\$......	x	x						
		1.2.2. Make personal visits	Y		x	x						
		1.2.3. Get affidavits of copies	Y			x						
	2.4 .Identify and recruit high level supporters of your reform effort	2.1.1. Make personal contacts	z	\$......	x							
		2.2.2. Develop TORs for the person	Z		x	x						
	2.5. Produce materials through all media about recruitment corruption and its harmful effects	2.2.1. Write newspaper articles	Z	\$......	x	x	x	x	x	x	x	x
		2.2.2. Go on radio talk shows	Z		x	x	x	x	x	x	x	x
		2.2.3. Hold public meetings	Z		x	x	x	x	x	x	x	x
	2.6. Inform relevant offices of the Civil Service of your intentions to campaign about corruption in recruitment	2.3.1. Get names and positions	Z	\$......	x							
		2.3.2. Letter signed by high person	Z		x	x						

Annex 7/1

The 10 Elements of an Advocacy Strategy and the Questions for the NGO to ask itself

1. Clearly state the problem or issue

- What is the problem, issue, or set of issues that prompted the need for an Advocacy campaign
- What is the cause of the problem or issue?

2. Develop a goal and a set of objectives

- What does the NGO want to do about the problem?
- Can a clear and realistic policy change be advocated?
- What can the NGO realistically accomplish?
- On what basis can the NGO justify its involvement in this issue?

3. Identify the target audience(s) to engage

- Which individuals or institutions have the power / authority to make the necessary changes?
- What are their interests in this problem or issue?
- Are they adequately informed about the problem or issue?
- What methods can be used to gain access to them?
- What specific actions would they need to take to resolve the issue?

4. Identify other groups who are affected or could be affected through your advocacy campaign (positively or negatively)

- Will you involve your NGO's constituency directly in the campaign? If so, how? If not, why not?
- Is there much chance of popular appeal?
- Are the campaign objectives of direct relevance to poor people?
- Who else is / might be directly affected by your advocacy campaign? How? What are their interests?
- What if any, are the potential backlashes from your advocacy campaign? How would you weight these against the potential benefits?
- Which groups are likely to oppose your initiatives? On what grounds? Do you have an adequate response?

5. Formulate the advocacy message and identify the media needed to get the message out to the target audience

- Keeping in mind the target audience(s), how can you formulate the message with the degree of simplicity / complexity that is appropriate?
- If there is more than one target audience, what will your message be for each?
For each message and its target audience:
 - Is the tone of your message appropriate?
 - What specific facts, evidence, and examples will ensure that your position is convincing?
 - Which media will reach the audience most effectively?
- Can you find allies in the media who can assist in planning a campaign and in getting access to specific media?
- Are there forthcoming public events or meetings that can be used as platforms for the campaign? How will you use these?

6. Prepare a plan of action and schedule of activities

- What activities would be required to meet each objective?
- In what sequence?
- Over what time period?
- Who will be responsible for implementing each objective?

7. Identify resource requirements (human, organisational, financial)

- For each activity, what are the resources that you will require?
 - staffing (volunteer or paid, new or existing?)
 - logistical support for meetings etc?
 - media (in house or contracted out?)
 - Financial (cash, donations)
 - Other
- Do you already have these resources available? If not, how much effort will it take to generate them? Is this feasible?
- How will getting these resources affect your existing programs?

8. Enlist support from other key players: other NGOs, the public, government etc.

- Who else has the power / interest to support your campaign? How?
- Will you need to engage in some education activity first? What ? How?
- How should you go about involving them, that is for maximum impact?
- What will be the structure to keep them involved in the campaign?
- How can you divide responsibility so as to build on the expertise of each participant?

9. Identify monitoring and evaluation criteria and indicators

- How will you monitor the effects of your campaign to ensure that it is meeting the needs of your constituency?
- How will you assess the impact of your campaign
- What are the criteria or indicators for success? How will you measure them?
- Do your objectives still reflect what you want to accomplish?
- Are they too ambitious? Is the campaign winnable?
- Can you anticipate potential pitfalls?
- Should you identify a series of shorter term objectives upon which you can build towards the longer term goal?

10. Assess success or failure, and determine next steps

- If it is a success:
 - should the campaign end there ? or...
 - move on to related problems, building on existing momentum?
- If it is a failure:
 - when is it time to terminate a campaign?
 - When is it more appropriate to change strategy and continue?
- How will you minimize the negative impact on your organisation, or the issue?

Annex 7/2:

198 Methods of Non-Violent Action to bring about Change

(From Consumer International by Gene Sharp)

The Methods of Non-Violent Protest and Persuasion

Formal Statements

1. Public speeches
2. Letters of opposition or support
3. Declarations by organizations and institutions
4. Signed public declarations
5. Declarations of indictment and intention
6. Group or mass petitions

Communications with a Wider Audience

7. Slogans, caricatures, symbols
8. Banners, posters, and displayed communications
9. Leaflets, pamphlets and books
10. Newspapers and journals
11. Records, radio and TV
12. Sky-writing and Earth-writing

Group Representations

13. Deputations
14. Mock awards
15. Group lobbying
16. Picketing
17. Mock elections

Symbolic Public Acts

18. Displays of flags and symbolic colors
19. Wearing of symbols
20. Prayer and Worship
21. Delivering symbolic objects
22. Protest disrobings
23. Destruction of own property
24. Symbolic lights
25. Displays of portraits
26. Paint as protest
27. New signs and names
28. Symbolic sounds
29. Symbolic reclamations
30. Rude gestures

Pressure on Individuals

31. "Haunting" officials
32. Taunting officials
33. Fraternization
34. Vigils

Drama and Music

- 35. Humorous skits and pranks
- 36. Performances of plays and music
- 37. Singing

Processions

- 38. Marches
- 39. Parades
- 40. Religious processions
- 41. Pilgrimages
- 42. Motorcades

Honoring the Dead

- 43. Political mourning
- 44. Mock funerals
- 45. Demonstrative funerals
- 46. Homage at burial places

Public Assemblies

- 47. Assemblies of protest or support
- 48. Protest meetings
- 49. Camouflaged meeting of protest
- 50. Teach-ins

Withdrawal and Renunciation

- 51 Walk-outs
- 52 Silence
- 53 Renouncing honors
- 54 Turning ones back

The Methods of Social Non-Cooperation**Ostracism of Persons**

- 55. Social Boycott
- 56. Selective social boycott
- 57. “Lysistratic” non-action
- 58. Excommunication
- 59. Interdiction

Non-cooperation with social events, customs, and institutions

- 60. Suspension of social and sports activities
- 61. Boycott of social affairs
- 62. Student strike
- 63. Social disobedience
- 64. Withdrawal from social institutions

Withdrawal from the Social System

- 65. Stay at home
- 66. Total personal non-cooperation
- 67. “Flight” of workers

- 68. Sanctuary
- 69. Collective disappearance
- 70. Protest emigration

The Methods of Economic Non-Cooperation: Economic Boycotts

Action by Consumers

- 71. Consumers boycott
- 72. Non-consumption of boycotted goods
- 73. Policy of austerity
- 74. Rent with-holding
- 75. Refusal to rent
- 76. National consumers boycott
- 77. International consumers boycott

Action by Workers and Producers

- 78. Workers boycott
- 79. Producers boycott

Action by Middlemen

- 80. Suppliers and handlers boycott

Action by Owners and Management

- 81. Traders boycott
- 82. Refusal to let or sell property
- 83. Lockout
- 84. Refusal of industrial assistance
- 85. Merchant's "general strike"

Action by Holders of Financial Resources

- 86. Withdrawal of bank deposits
- 87. Refusal to pay fees, dues, and assessments
- 88. Refusal to pay debts or interest
- 89. Severance of funds and credit
- 90. Revenue refusal
- 91. Refusal of a government's money

Action by Governments

- 92. Domestic embargo
- 93. Blacklisting of traders
- 94. international sellers embargo
- 95. International buyers embargo
- 96. International trade embargo

The Methods of Economic Non-cooperation: the Strike

Symbolic Strikes

- 97. Protest strike
- 98. Quickie walkout (lightening strike)

Agricultural Strike

- 99. Peasant strike
- 100. Farm workers strike

Strikes by special Groups

- 101. Refusal of impressed labor
- 102. Prisoners strike
- 103. Craft strike
- 104. Professional strike

Ordinary Industrial Strike

- 105. Establishment strike
- 106. Industry strike
- 107. Sympathy strike

Restricted Strikes

- 108. Detailed strike
- 109. Bumper strike
- 110. Showdown strike
- 111. Working to rule strike
- 112. Reporting “sick” (sick-in)
- 113. Strike by resignation
- 114. Limited strike
- 115. Selective strike

Multi-industry strikes

- 116. Generalized strikes
- 117. General strike

Combination of Strikes and Economic Closures

- 118. Hartal
- 119. Economic shutdown

The Methods of Political Non-Cooperation**Rejection of Authority**

- 120. Withholding or withdrawal of allegiance
- 121. Refusal of public support
- 122. Literature and speeches advocating resistance

Citizens Non-Cooperation with Government

- 123. Boycott of legislative bodies
- 124. Boycott of elections
- 125. Boycott of government employment and positions
- 126. Boycotts of government departments, agencies and other bodies
- 127. Withdrawal from governmental educational institutions
- 128. Boycott of government supported institutions
- 129. Refusal of assistance to enforcement agencies
- 130. Removal of turn signs and placemarks
- 131. Refusal to accept appointed officials

132. Refusal to dissolve existing institutions

Citizens Alternatives to Obedience

133. Reluctant And slow compliance
134. Non-obedience in absence of direct supervision
135. Popular non-obedience
136. Disguised disobedience
137. Refusal of an assemblage or meeting to disburse
138. Sitdown
139. Non-cooperation with conscription or deportation
140. Hiding, escape and false identities
141. Civil disobedience of “illegitimate” laws

Action by Government Personnel

142. Selective refusal of assistance by government aides
143. Blocking of lines of command and information
144. Stalling and Obstruction
145. General administrative non-cooperation
146. Judicial non-cooperation
147. Deliberate inefficiency and selective non-cooperation by enforcement agents
148. Mutiny

Domestic Governmental Action

149. Quasi-legal evasions and delays
150. Non-cooperation by constituent government units

International Governmental Action

151. Changes in diplomatic and other representation
152. Delay and cancellation of diplomatic events
153. Withholding of diplomatic recognition
154. Severance of diplomatic relations
155. Withdrawal from international organizations
156. Refusal of membership in international bodies
157. Expulsion from international organizations

The Methods of Non-Violent Intervention

Psychological intervention

158. Self-exposure to the elements
159. The fast
 - a. Fast of moral pressure
 - b. Hunger strike
 - c. Satyagrahic fast
160. Reverse trial
161. Nonviolent harassment

Physical Intervention

162. Sit-in
163. Stand-in
164. Ride-in

- 165. Wade-in
- 166. Mill-in
- 167. Pray-in
- 168. Nonviolent raids
- 169. Nonviolent air-raids
- 170. Nonviolent invasion
- 171. Nonviolent interjection
- 172. Nonviolent obstruction
- 173. Nonviolent occupation

Social Intervention

- 174. Establishing new social patterns
- 175. Overloading of facilities
- 176. Staff-in
- 177. Speech in
- 178. Guerilla theatre
- 179. Alternative social institutions
- 180. Alternative communication systems

Economic Interventions

- 181 Reverse strike
- 182 Stay in strike
- 183 Nonviolent land seizure
- 184 Defiance of blockades
- 185 Politically motivated counterfeiting
- 186 Preclusive purchasing
- 187 Seizure of assets
- 188 Dumping
- 189 Selective patronage
- 190 Alternative markets
- 191 Alternative transportation systems
- 192 Alternative academic institutions

Annex 7/3:

Worksheets for Designing an Advocacy Campaign

- 1. Analyzing Problems, Purposes, Objectives, Activities**
- 2. Planning to Implement Outputs**
- 3. Planning to Implement Activities (within Outputs)**

Worksheet for Analyzing Problems, Purposes, Objectives, Activities

State the Problem / Issue (having tested it against the checklist)
State the Overall Purpose of the Agraria Program (will it deal with the problem?)
State the Overall Output of the Advocacy Strategy (will it achieve the purpose?)
State the Planned Activities that will Support the Advocacy Strategy (will they help achieve the Output?)

Worksheet for Planning to Implement Objectives

Objective	Activities	Target Group	Appropriate Message	Media
Output 1				
Output 2				
Output 3				

Planning to Implement Activities (Actions)					
Activities	Time frames	Resources	Other supporting groups	Appropriate media for other groups	Criteria for monitoring
Activity 1.1.					
Activity 1.2					
Activity 1.3					
Activity 2.1					
Activity 2.2					
Activity 2.3					
Activity 3.1					
Activity 3.2.					
Activity 3.3.					
Etc.					

Chapter 8

Sources and Resources

This Chapter contains references on the four subjects of Anti-Corruption, NGOs, Monitoring, and Advocacy categorized the four categories of Free Downloadable Material, Websites, Books, and Organisations

Introduction

This chapter is organized as follows:

	free down-loadable material	websites	books and articles	organisations
ANTI-CORRUPTION	1a	1b	1c	1d
NGOS	2a	2b	2c	2d
MONITORING	3a	3b	3c	3d
ADVOCACY	4a	4b	4c	4d

1. ANTI-CORRUPTION

1.A. Free down-loadable material

To start with we provide a basic kit of the essential materials that you will need to get a good overview of how corruption works around the world. We strongly recommend that you down load the material from the websites and keep them in hard copy in a binder for reference.

These are:

1. The Centre for Public Integrity's Global Integrity Project.

Available on the website at www.publicintegrity.com (follow the prompts for the Global Integrity Project) and you can download 5 items for each of 25 countries. The 5 items are:

- Country Facts: key data on that country
- Corruption Timeline – a 3-4 page chronicle of the most important corruption linked events in that country over the last ten years
- Corruption Notebook – a 3-5 page article on corruption in that country written by an investigative journalist, with comments on that article by a separate corruption expert from that country
- Integrity Assessment – a 7-10 page overview of corruption in that country by a social scientist broken down by
 - Civil Society, Public Information and Media
 - Electoral and Political Processes
 - Oversight and regulatory mechanism
 - Anti-Corruption mechanisms and the Rule of law
 - Administration and Civil Service
 - Branches of Government

With comments on that assessment by a separate corruption expert from that country

- Integrity Scorecard – a 2-3 page scoring of that country by 100 indicators. The 25 countries are:

Argentina	Australia	Brazil
Germany	Ghana	Guatemala
India	Indonesia	Italy
Japan	Kenya	Mexico
Namibia	Nicaragua	Nigeria
Panama	The Philippines	Portugal
Russia	South Africa	Turkey
USA	Ukraine	Venezuela
Zimbabwe		

2. **The Global Program against Corruption Anti Corruption Toolkit.**

This document is published by the United Nations Office on Drugs and Crime and is downloadable from

http://www.unodc.org/unodc/corruption_publications.html. It contains the following chapters:

- 1.4. Assessment of the Nature and Extent of Corruption
- 1.5. Institution Building
- 1.6. Situational Prevention
- 1.7. Social Prevention
- 1.8. Enforcement
- 1.9. Anti-Corruption Legislation
- 1.10. Monitoring and Evaluation
- 1.11. International Legal Cooperation

and in each Chapter there is descriptive writing, specific Tools and specific Case Studies.

3. **Transparency International Sourcebook 2000: Confronting Corruption – the elements of a National Integrity System** – by Jeremy Pope

This work, which is the “prize” of Transparency International is available from www.transparency.org, and you can download each chapter separately.

It contains the following chapters:

Part I: The Analytical Framework

- Chapter 1: The Challenge of Renovation
- Chapter 2: The Anatomy of Corruption
- Chapter 3: Developing responses
- Chapter 4: The National Integrity System
- Chapter 5: Building Political Will

Part II: Institutional Pillars of the National Integrity System

- Chapter 6: An Elected legislature
- Chapter 7: The Role of the Executive
- Chapter 8: An Independent Judicial System
- Chapter 9: The Auditor General
- Chapter 10: The Ombudsman
- Chapter 11: Independent Anti-Corruption Agencies
- Chapter 12: Public Service to Serve the Public

Chapter 13: Local Government
Chapter 14: An Independent and Free Media
Chapter 15: Civil Society
Chapter 16: The Private Corporate Sector
Chapter 17: International Actors and Mechanisms

Part III: Rules and Practices for the Institutional Pillars

Chapter 18: Free and fair Elections
Chapter 19: Administrative law – Judicial Review of Official Actions
Chapter 20: Public Service Ethics, Monitoring Assets, and Integrity Testing
Chapter 21: Conflict of Interest, Nepotism and Cronyism
Chapter 22: Public Procurement – where the public and private sectors do business
Chapter 23: Good Financial Management
Chapter 24: The Right to Information – Information, Public Awareness and Public Record
Chapter 25: Giving Citizens a Voice
Chapter 26: Competition Policy and Containing Corruption
Chapter 27: Laws to Fight Corruption
Chapter 28: Surveys as Tools – measuring progress

Part IV: Lessons Learnt

Chapter 29: Lessons Learnt – a progress report

Part V: Appendix

Emerging best practice in containing corruption

This book provides fine models of what the clean and healthy state and private sector should look like. At the end of every chapter there is a list of Indicators that refer to that particular chapter. You can search the book by key word, and index by country, by subject, and by bibliography

4. The Corruption Fighters Tool-Kit

This is produced by Transparency International, and is available on their website (www.transparency.org/toolkits). It describes 27 anti-corruption tools. While tools designed to make public procurement processes more transparent and to monitor public institutions dominate, there are many other areas covered.

The only trouble with it is that there is no built in evaluation – you do not know whether the tools listed in the tool kit and described there have actually been successful or not.

5. The Utstein Anti-Corruption Resource Centre

Available at www.U4.no, this website is a one stop place to download all the documents listed up to now, plus a few more. It has the following categories:

- Lessons learned and best practices
- Selected literature
 - National anti-corruption strategies and policies
 - Government oversight and control bodies
 - Public (civil) service reform and management
 - Non-government insight, participation and control
 - International crime and prevention
 - Donor strategies and policies

- Anti-corruption Tool Kits
- Virtual literature – download sites
- Anti-corruption dedicated web-sites

6. **USAID Handbook for Fighting Corruption**

available through Utstein and also directly from USAID at http://www.usaid.gov/our_work/democracy_and_governance/publications/. It has the following titles:

- Alternative Dispute Resolution - practitioners guide
- Approaches to Civic Education – lessons learnt
- Case Tracking and Management Guide
- Civil Military Relations
- Conducting a Democracy and Governance Assessment – a framework for strategy development
- Decentralization and Local Governance Programming Handbook
- Democracy and Governance – a conceptual framework
- Guidance for Promoting Judicial Independence and Impartiality
- Handbook for Democracy and Governance Indicators
- Handbook for Fighting Corruption
- Managing Assistance in support of Political and Electoral Processes
- Money in Politics Handbook – a guide to increasing transparency in emerging democracies
- The Role of Media in Democracy – a strategic approach
- USAID Handbook on Legislative Drafting
- USAID Political Party Development Assistance

7. **CONTACT**

This UNDP publication, available on

http://www.undp.org/governance/docs/AC_guides_contact.htm

stands for Country Assessment in Accountability and Transparency and has been provided to give the international development community with a comprehensive tool to assess the financial architecture and integrity systems of a country. It has the following chapters:

1. Introduction to CONTACT
2. Accountability, transparency and integrity in the context of governance
3. Accounting infrastructure
4. Information management
5. Expenditure Planning and Budgeting
6. Internal Control and Internal Auditing
7. Financial Reporting
8. External Auditing
9. Revenue administration
10. Debt management
11. Project and Foreign Aid Management
12. Procurement and Assets Management
13. Improving integrity to prevent and control corruption
14. Public Sector Cash Management

Each chapter is followed by a Checklist, and Chapter 13 is all checklist. This document again (like TI's Sourcebook 2000) helps to show those unfamiliar with good governance what the word means when applied to financial structures

8. **Anti-Corruption Practice Note**
This is the statement by UNDP on its approach to corruption. It is available on:
<http://www.undp.org/governance/guidelines-toolkits.htm>
 9. **CORIS**
CORIS is TI's Corruption Online Research and Information System. It is a portal that provides all those with an interest in anti-corruption and governance issues with easy access to high quality, processed information. It can be found via prompts from the TI website. CORISweb is unique as it is a decentralized, multilingual system and allows anyone, anywhere in the world to enter information in a variety of languages via simple on-line form
-

1.B. ANTI-CORRUPTION WEBSITES

1. **Transparency International** (www.transparency.org)
This provides:

- Information on TI
- A newsroom with daily corruption news
- A knowledge centre (CORIS)
- The TI Source book 2000
- Issues and country papers
- Corruption Perceptions Index
- Bribe Payers Index
- TI Global Corruption report 2001
- Corruption Fighters Toolkit

2. **The Anti-Corruption Gateway for Europe and Asia**

This site is in Russian and English and is a very important entry point for information about combating corruption with a particular focus on Eastern Europe and the former Soviet Union. You can access it through Utsein, or get to it directly at: www.nobribes.org

3. **World Bank Anti-Corruption Home Page**

Under www.worldbank.org/wbi/governance is an enormous amount of data on the statistical way that the World Bank measures governance.

The Governance Data material also has a web-interactive inventory of data sets and empirical tools.

There is also the Anti-Corruption and Governance Library to be found at <http://www.worldbank.org/wbi/governance/pubs.html> from which you can download much material – also in Spanish and French.

4. **Respondanet**

This site is in English and Spanish and has the two fold purpose to increase public awareness about the effects of government corruption on society and to foster transparency and accountability in the administration of public resources by the governments in the Latin America and Caribbean region. It

is available through Utstein, but also directly at:
www.respondanet.com/english/index.htm

5. AnCorWEB

This site is from the OECD's Anti-Corruption Division and its purpose is to provide governments, businesses, and the civil society with the information that they need in order to understand and implement effective policies and practices. It is accessible through Utstein, and also at: www.oecd.org

6. Financial Action Task Force on Money Laundering (FATF)

This is produced by the G7/OECD Anti-Corruption Division and provides basic information on money laundering issues. It is accessible through Utstein, and also at: <http://www.oecd.org/>

7. USAID Anti-corruption Resources

These are produced by USAID and offer information on the anti-corruption programs offered by USAID. It is accessible through Utstein, and also at: http://www.usaid.gov/our_work/democracy_and_governance/technical_areas/anti-corruption/

8. Organisation of American States

The OAS Secretariat for Legal Affairs hosts this website in Spanish and a strong emphasis on Latin America. It is accessible through Utstein, and also at: www.oas.org/

9. International Group for Anti-Corruption Coordination (IGAC)

The UNODC supports the work of this group which is dedicated to strengthening international anti-corruption coordination and collaboration in order to avoid undue duplication and to ensure efficient and effective use of existing resources. It is accessible through Utstein, and also at: www.igac.net/statutes.html

10. Anti-corruption Network for Transitional Economies (CAN)

Created in 1998 by national governments, CSOs, and international donors

11. International Monetary Fund

The IMF provides example of standards of good practice for good governance, including:

Special Data Dissemination Standard

<http://dsbb.imf.org/Applications/web/sddshome/>

General Data Dissemination System

<http://dsbb.imf.org/Applications/web/gdds/gddshome/>

Code of Good Practices on Fiscal Transparency

<http://www.imf.org/external/np/fad/trans/code.htm>

Through these standards and codes initiatives, the IMF encourages countries to improve the transparency and accountability of decision making by adopting the internationally recognized standards and codes that cover government, the financial sector, and the corporate sector.

12. The European Corporate Governance Institute

http://www.ecgi.org/codes/all_codes.htm is making available the full texts of corporate governance codes, principles of corporate governance and corporate governance reform initiatives both in Europe and elsewhere.

1.C ANTI-CORRUPTION BOOKS AND ARTICLES

Any such list has to be quite personal. Anyone using the free down loadables and the websites listed above will soon develop their own list of books. This list does not contain the books specifically noted in the Free Down Loadable section.

A regular series of valuable articles comes from two sources, one accessible to all – the reports of the two yearly International Anti-Corruption Conferences (IACCs) which can be accessed through the TI website. The other is the PREM series of the World Bank, which is unfortunately not available to non World Bank staff. Befriend a World Banker, and ask them to get you a list of the PREM publications.

What follows is a personal list of books that I have found valuable and instructive.

- The Anti-Corruption Handbook – World Bank (East Asia and Pacific Region)
- Investigating Corruption in the Ukraine – a case study of Internet journalist Georgy Gongadze – World Bank Institute
- Journalistic Legwork that tumbled a President – Moller and Jackson – World bank Institute
- The Media's role in creation of a Public Information Network – Nachee Vichitsorasastra
- Seize the state, seize the day – state capture, corruption, and influence in transition: Hellman, Jones, Kauffman. World Bank
- Stealing the State, and Everything Else – a survey of corruption in the post-communist world – Hassel and Murphy
- Anti-Corruption In Transition – A Contribution to the Policy Debate – The World Bank, Washington DC, September 2000.
- Anti-Corruption Agencies: How Effective Are They?, by John Heilbrunn, Michael L.O. Stevens, World Bank
- Anti-Corruption Policies and programs: a framework for Evaluation – Huther and Shah, World Bank
- Anti-Corruption Programs – look before you leap: Schacter and Shah. World Bank
- Bribes – The intellectual history of a moral idea by John T. Noonan, Jr., University of California Press – Berkeley and Los Angeles, California. 1984.
- Cleaning Up and Invigorating the Civil Service, by Robert Klitgaard.

- Controlling Corruption by Robert Klitgaard, University of California Press, Berkeley, Los Angeles, London, 1988.
- Corrupt Cities – A Practical Guide To Cure and Prevention by Robert Klitgaard, Ronal Maclean-Abaroa, H. Linsey Parris, World Bank, 2000.
- International Cooperation Against Corruption, by Robert Klitgaard
- Liberalization and the New Corruption – IDS (Institute of Development Studies, University of Sussex) 1996
- NGOs – Losing the Moral High Ground by Richard Holloway in Transnational Associations 5/98
- NGOs: loosing the Moral High Ground – Corruption and Misrepresentation; Richard Holloway in Proceedings of the 8th IACC (International Anti-Corruption Conference)
- Subverting Corruption by Robert Klitgaard
- The Use of Report Cards in Monitoring Corruption – Samuel Paul, World Bank
- A Systematic Approach to Anti-corruption – the case of the Seoul Metropolitan Government by Kun Goh, Oct 99. World Bank
- Cleaning up the City government of Seoul: a systematic approach – Hong Bin Kang
- Corruption and Democracy in Thailand - Phongpaichit and Piriyarangsan. University of Chulalongkorn. 1996
- Stealing from the People – Aksara Foundation, Indonesia
 - Vol 1: Corruption from Top to bottom
 - Vol 2: The Big feast: soldier, judge, banker, civil servant
 - Vol 3: Foreign Aid, Business and state enterprise – counting the cost
 - Vol 4: The Clampdown: in search of new paradigms
- The Poor Speak Out – Corruption and the Poor Team, World Bank, Indonesia

1.D: ANTI-CORRUPTION ORGANISATIONS

Inter-Governmental Organisations

Most of the running in the anti-corruption “movement” has been made by inter-governmental development organisations, most notably the World Bank, particularly through the World Bank Institute (WBI). Many national, bilateral development agencies have followed suit, and there will be research, publications and programs at all the major international agencies. The International Monetary Fund material can be found at www.imf.org. The European Union has done some very useful work through a program called SIGMA (Support for Improvement in Governance and Management in Central and Eastern European countries) whose web site is europa.eu.int/community/enlargement/pas/phare/programmes/multi-bene/sigma

Coordinating agencies for country groupings, like the OAS, the OECD, the ASEAN, SADCC, are all likely to have anti-corruption programs.

On the International level, the United Nations has the UN Global Program against Corruption under the Office on Drugs and Crime in Vienna, which has been very involved in the recent International Convention against Corrupt Practices. UNDP has also more recently become very involved in anti-corruption issues, linking them particularly to anti-poverty programs. (www.undp.org)

National Governments

Each country is likely to have its own anti-corruption organisations, but, as we have said previously, they may be more part of the problem than part of the solution, and should be checked out on an individual basis.

Corporates

There is, on the corporate side, the International Chamber of Commerce, which has been active in getting coordination from the corporate world on best practices and codes of conduct. It is at <http://www.iccwbo.org>

Civil Society

From the side of civil society, there is first and foremost the originator of so much interest in the subject of corruption, Transparency International, based in Berlin, with its 80+ country offices all over the world (see www.transparency.org). There is also the Centre for Public Integrity from Washington USA which coordinates the International Network of Investigative Journalists (www.publicintegrity.org), and the Christian Michelsen Institute in Norway which carries out incisive investigations into corrupt practices in many countries around the world (www.cmi.no). There is also the Open Society Institute (www.soros.org), particularly its programme, the Justice Initiative, which has offices in New York, Abuja, and Budapest.

2. NGOs

2.A. NGOs' free down-loadable material

1. CIVICUS

This international association of civil society organisations, based in South Africa, has two free down loadable set of documents. The first is the whole set of documents associated with the Civil Society Index, a research exercise to find out the real nature of civil society in any one country. From their site www.civicus.org, you can access the Toolkit for the Civil Society Index, which provides a very useful definition for civil society and civil society organisations, together with a number of research tools built around their indicators of a healthy civil society. It is possible that the Civil Society Index exercise has already been carried out in your country, or is being planned.

Secondly, you can also access a number of very fine instruments called Civil Society Toolkits mostly produced in South Africa. They comprise:

1. Writing effectively and powerfully
2. Writing within your organisation
3. Producing your own media
4. Handling the media
5. Promoting your organisation

6. Planning Overview
7. Action Planning
8. Monitoring and Evaluation
9. Strategic Planning
10. Developing a financing strategy
11. Financial controls and accountability
12. Writing a funding proposal
13. Budgeting (2 parts)

2. CARE UK

A few international NGOs have made available generally the capacity building materials they have developed or collected for their own staff. CARE UK is the best example with a lot of material available through Inventory of Civil Society resources and tools. This contains the following sections:

- Background – theory and practice
- Processes, Indicators, and Tools
 - Organisational capacity – strategic overview
 - Dialogue and Advocacy Overview
 - Communication and Media Overview
 - Promoting Inclusion Overview
- References and Resources

The References and Resources section is very rich indeed. It can be found at: <http://www.careinternational.org.uk/introduction+121.twl>

2.B. NGO websites

Again there is no better place to go than CARE UK
<http://www.careinternational.org.uk/introduction+121.twl>

2.C NGO books and articles

Civil Society

Circle of Power: An enabling framework for civil society in Southern Africa
 From the Development Resources Centre, Johannesburg

CIVICUS

- Civil Society at the Millennium:
- Civil Society in the Arab World:
- Civil Society in the Asia Pacific region:
- Citizens – strengthening global civil society:
- The Voluntary Sector in Post Communist East central Europe:
- Citizens – Strengthening Global Civil Society
- New Civic Atlas – profiles of Civil Society in 60 Countries
- Legal Principles for Citizen Participation – towards a legal framework for civil society organizations

Civil Society – the Non-profit private sector – trying to categorize it in Bangladesh.
 UNICEF Bangladesh. Richard Holloway. 1992

Civil Society, NGDOs, and Social Development – changing the rules of the game
 Alan Fowler/UNRISD

Civil Society, the State, and Roles of NGOs

Rajesh Tandon, PRIA

Explaining the non-profit sector – a cross-national analysis
Lester Salamon and Helmut Anheier, Centre for Civil Society at the John Hopkins University, Baltimore, USA

Indicators of a Healthy Civil Society
Robert Bothwell

Innovations in Civil Society
PRIA, Delhi, India (www.pria.or.in)

John Hopkins Comparative Non-Profit Sector Project

- The Third World's Third Sector in Comparative Perspective
- Defining the Non-Profit Sector – the Philippines
- The Emerging Sector Revisited
- Global Civil Society at-a-glance

John Hopkins International Fellows in Philanthropy Program

- Building Civil Society – a guide to action
- Strengthening Communities – the role of the Third sector
- The Non-profit sector and the transformation of the welfare state
- Towards a vital voluntary Sector – international statement of principles
- Non-profits and development – the challenge and the opportunity

Local Governance, Democratic Transition and Voluntary development
Organisations in South Asia
PRIA, Delhi, India

Mapping Civil Society
Richard Holloway

Mapping Civil Society: who's there, who's where, and how they relate to each other?
Richard Holloway – Proceedings of CIVICUS General Assembly, Budapest 1998

National NGOs in Transition countries – what roles do they play?
Caroline Harper, INTRAC

NGOs – losing the moral high ground
Richard Holloway, Proceedings of the Resource Alliance Conference on Fund-raising, Mauritius, 1997

Power Shift
Jessica Mathews, "Foreign Affairs", USA

Rethinking Civil Society – towards democratic consolidation
Larry Diamond

Social Capital and Civil Society
Francis Fukuyama

Sourcebook on Building Partnerships with Civil Society organizations
Richard Holloway/UNDP

Taking Civil Society's Temperature: USAID's assessments of foundations for democracy in four African countries

USAID Centre for Democratic Governance, Washington DC, USA

The Civil Society Toolbox

Richard Holloway – available on CARE website:

<http://www.careinternational.org.uk/introduction+121.twl>

The Emerging Role of Civil Society – a force for Social Development

SYNERGOS, New York, USA

The Third America

Michael O'Neill

Very Public Scandals: non-governmental organizations in trouble

Margaret Gibelman and Sheldon Gelman

The Ebb and Flow of Civil Society and the Decline of the Left in South East Asia

Kevin Hewison and Garry Rodan

Capacity Building and Organisational Development

Bridging Organizations and Sustainable Development

IDR, Boston, USA

Building civil society – the role of development NGOs

Lene Veneklasen/Interaction, USA

CDRA (Community Development Resource Association) Cape Town, South Africa

- Capacity Building – myth of reality: CDRA
- Capacity Building – elements of understanding: CDRA
- Capacity Building – shifting the paradigms of practice: Allan Kaplan
- Crossroads: CDRA
- Capacity Building
- Funding Capacity Building
- The Development Practitioners Handbook

Capacity Building and NGOs: a Case of Strengthening Ladles for the Global Soup Kitchen

Alan Fowler

Capacity building – what role can domestic fund-raising play?

Resource Alliance

Defining Civil Society Capacity Building

Global Alliance News/PRIA Delhi, India

Demystifying Organisation Development: practical capacity building experiences of African NGOs

Rick James/INTRAC

Get Organized – stories and reflections on Community Organising:

Jo Hann Tan and Roem Topatimasang, SEAPRO, Kuala Lumpur, Malaysia

Grabbing the Tiger by its Tail – NGOs learning for Organisational Change

CCIC, Canada

Human Rights Institution Building – a handbook on establishing and sustaining human rights organizations

The Fund for Peace, USA

IFCB (International Forum on Capacity Building)

- Approaches to Capacity Building – Northern NGO Survey
- Strengthening Southern NGOs – the Donor perspective Vols 1/2
- Future Capacity Building of Southern NGOs – International Conference
- The Challenges for Capacity Building – Support organizations in South Asia available from PRIA, Delhi, India

Johns Hopkins University – Building Sustainable Non-Profit Organisations

- Volunteers – a Valuable resource
- Strategic Planning
- Proposal Writing

NGO Good Policy and Practice – Training Kit

The Commonwealth Foundation, London, UK

Strategies for Success – a self-help guide to strategic planning for voluntary organizations

NCVO (National Council for Voluntary Organisations) London, UK

Strengthening Civil Society – Contributions of Support Organizations in South Asia

PRIA, Delhi, India

Strengthening Civil Society in Transition Economies – from concept to strategy: mapping an exit in a maze of mirrors

Alan Fowler

Training for Transformation - a handbook for community workers, Vols 1, 2, 3, 4
Mambo Press, Zimbabwe

Beyond Strategic Planning: Strategic Decisions in Non-profit organizations
IDR, Boston, USA

Just About Managing

Adirondack/LVSC (London Voluntary Societies Association), London UK

Managing Evaluation

Ramashia/Pact South Africa, Johannesburg, South Africa

Management for Change – myths and realities in South Asian NGO management
Smillie/Hailey, Earthscan, London, UK

Intermediary NGOs: the supporting link in Grassroots development.

Thomas F. Carroll. Kumarian Press. Connecticut, USA, 1992

Striking a Balance: a guide to making non-governmental organisations more effective.

Alan Fowler. Earthscan, London UK. 1997

Financial Self-Reliance

A Guide to Resource Mobilization for Voluntary Organizations in India:
Culshaw, Resource Alliance, London, UK

A Primer for Endowment Grant Makers
Ford Foundation, New York, USA 2000

Becoming a sustainable NGO – 20 useful strategies
Lisa Cannon, South Africa

Building Capacity for Sustainability:
Resource Alliance 2000

Endowed National Community development Foundations: a new approach to
financing the non-profit sector in African countries :
Shearer, Synergos Foundation 1991

Endowments as a Tool for Sustainable Development:
Horkan and Jordan USAID.1996

Endowments as a tool for financial sustainability – a manual for NGOs.
PROFIT, USA.1993

Environmental funds – the first five years.
DAC. 1995

Financing an Association and its activities:
IRED (Institut Reseaux et Developement), Geneva, Switzerland

First Global Forum on Environmental funds:
WWF (World Wildlife Fund) Gland, Switzerland

Foundation Building Sourcebook
The Synergos Foundation 2000

Four Pillars of Financial Sustainability:
Patricia Leon, The Nature Conservancy, Washington DC, USA. 2001

Long Term Funding of Development – Prospects for Endowments, Trusts and
Local Foundations:
Debt for Development Coalition

Sustaining Civil Society – strategies for resource mobilization
CIVICUS 1997

Terms of Endowment:
USAID, Washington DC, USA.1990

Synergos Foundation

- The Puerto Rico Community Foundation – case studies from the Synergos Foundation 1996
- The Philippines Business for Social Progress – case studies from the Synergos Foundation 1996

- The Foundation for the Philippines Environment – a case study of the Synergos Institute. 1996

Aga Khan Foundation

- Towards Financial Self-Reliance: Richard Holloway/AKF 2001
- Towards Financial Self-reliance: Trainer Manual: Richard Holloway/AKF 2001

Towards Greater Financial Autonomy: a manual on financing strategies and techniques for development NGOs and Community Associations:
IRED, Geneva 1989

Workshop on Local Sustainable Income for NGOs:
PHILDRHHA, Philippines 2001

Workshop on Financial Sustainability – innovative endowment building and investment:
PBSP (Philippines Business for Social Progress), Manila, Philippines 1999

Government/NGO Relations

Handbook on Good practices for Laws relating to Non-governmental Organisations
World Bank and International Center for Non-Profit law, 1995

Legal Principles for Citizen Participation – towards a legal framework for civil society organizations
CIVICUS and the International Center for Non-Profit law. 1996

The Role and Purpose of the Not-for-Profit Sector
Leon Irish/International Center for Non-for-Profit law

Fiscal Incentives and Other Measures to Support the Growth and Viability of
NGOs for HRD
ESCAP, Bangkok

The Legal Framework for NGOs and the Voluntary Sector: recommended principles
David Korten/APDC (Asia Pacific Development Coalition)/ANGOC (Asia NGO Coalition)

Organisational Capacity Assessment

A Simple Capacity Assessment Tool
Levinger and Bloom/Pact Inc. Washington, USA

Assessing Organisational Capacity through Participatory Monitoring and Evaluation – Handbook
Pact Inc, Washington USA

Checklist of NGO Organisational Development Characteristics of NGOs at different stages
Pact Inc, Washington, USA

Guided Reflections for Institutional Development (GRID)
Bloom and Levinger/Pact Inc, Washington DC, USA

NOCAT
NGO Resource Center, Pakistan

Organisational Capacity Assessment
Richard Holloway, Pact Zambia, Lusaka, Zambia

The Purposes of Organisational Assessment
INTRAC, Oxford, UK

Project Management

From a Good Idea to a Successful Project – a manual for development and management of local level projects
SEACARM, Maputo, Mozambique

Imagine a Tree and Shape your Future – an approach for group analysis and planning
COOPIBO, Dar-es-Salaam, Tanzania

Logical Framework Approach
DANIDA, Copenhagen, Denmark

Project Cycle management at the GTZ
GTZ, Germany

The Logical Framework Approach – handbook for objectives oriented planning:
NORAD, Oslo, Norway

2.D. NGO organisations

An important source of information is the often mentioned material from the CARE UK website:

<http://www.careinternational.org.uk/introduction+121.twl>

All the following organizations have produced learning material on NGO management – usually available through the “Publications” part of their website – but you probably have to buy it.

PRIA – Society for Participatory Research in Asia, Delhi (www.pria.org)

INTRAC – International Training Centre, Oxford, UK (www.intrac.org)

IDR – Institute for Development Research, Boston, USA (www.jsi.com/idr)

Aga Khan Foundation, Geneva, Switz. (<http://www.akfc.ca/>)

Resource Alliance, London, UK (www.resource-alliance.org)

Ford Foundation, New York, USA (www.fordfound.org) contains some free downloadable material

ICNL – International Centre for Not-for-Profit Law, Washington, USA
(www.icnl.org)

IREN (Innovations et Reseaux pour le Developpement), Geneva, Switzerland
(www.ired.org)

Commonwealth Foundation, London, UK (www.commonwealthfoundation.com)

Pact, Washington, USA (www.pactworld.org) (www.pactpublications.org)

Centre for Civil Society Studies, John Hopkins University, Baltimore, USA
(www.jhu.edu/~ccss)

Intermediate technology Publications, Rugby, UK (<http://www.itdgpublishing.org.uk/>)

Earthscan Publishers, London, UK (www.earthscan.co.uk)

Kumarian Press, Connecticut, USA (www.kumarianpress.com)

3. MONITORING

3.A. Free down-loadable material

none known

3.B. Websites

none known

3.C Books and articles

By the Numbers: a guide to the tactical use of statistics and positive policy change – Blowing away the smoke 2, Advocacy Institute., Washington DC, USA. 1998

An Advocate's guide to using data
Children's Defense Fund. CDF. 1990

Citizen Knowledge, Citizen Competence, and Democracy Building
The Good Society No. 5, University of Maryland. 1995

Getting the Message Right – using formative research, polling and focus group insights on the cheap. Blowing away the smoke 3, Advocacy Institute. Washington DC, USA. 1998

Handbook on Radio and Television Audience Research
Graham Mytton, BBC and UNICEF
(much wider than the title suggests)

3.D. Organisations

none known

4. ADVOCACY

4.A. Free downloadable materials

CARE UK: “Advocacy Tools and Guidelines – promoting policy change”. This is one of the documents available on

<http://www.careinternational.org.uk/introduction+121.twl>

4.B. Websites

The Advocacy Institute has compiled a list of all the Advocacy websites on the Section of their website that advertises their book “Advocacy for Social Justice: a global action and reflection guide”. There are listed “Advocacy Publications and Internet Resources” (www.advocacy.org)

Public Interest Law Initiative

www.pili.org

4C. Books and articles

On the same Advocacy Institute website is “Advocacy Publications” that provides a list of all the useful materials. These can be supplemented by:

Advocacy Toolkit: understanding advocacy
Graham Gordon, Tearfund, 2002

Advocacy Toolkit: Practical Action in Advocacy
Graham Gordon, Tearfund 2002

Advocacy: Building skills for NGO Leaders
The Centre for Development and Population Activities (CEDPA) 1999

Advocacy Handbook: a practical guide to increasing democracy in Cambodia –
Christine Mansfield, Kurt Macleod et I. Pact. 2003

Advocacy in Cambodia: increasing democratic space
Christine Mansfield, Kurt Macleod et I. Pact. 2003

Advocacy: what’s it all about?
Wateraid. 2002

A New Weave of Power, People & Politics: the action guide for Advocacy and Citizen Participation
Lene Veneklasen with Valerie Miller. World Neighbours. 2002

Advocacy for Social Justice: a global action and reflection guide.
The Advocacy Institute and OXFAM America

An Introduction to Advocacy – Training guide;
Ritu Sharma, USAID 2000

Generating Power – a Guide to Consumer Organizing

International Organisation of Consumer Unions

Guide for Planning Civic Education and Action Campaigns
Edward Kulakow, USAID

Perspectives on Advocacy, Participation and Social Change
Report of the Asia-Pacific Regional Advocacy Training of Trainers
Philippines Business for Social Progress, Manila. Philippines

Real Politics – the wicked issues:
IDASA, Capetown, South Africa

The Action Guide for Advocacy and Citizen Participation
Lene Veneklasen, Global Women in Politics

Advocacy Sourcebook – frameworks for planning action and reflection.
V. Miller and J. Covey of IDR, Boston, USA

Building Knowledge and Community for Advocacy,
IDR Boston, USA

Accountability and effectiveness of NGO policy alliances,
Covey, IDR, Boston, USA

Policy Influence by Development NGOs – a vehicle for strengthening civil society,
Valerie Miller, IDR Boston, USA

NGOs in Policy Influence,
Jane Covey, IDR, Boston, USA

Just Add Consciousness: a guide to social activism

Advocacy Strategies for Civil Society: a conceptual framework and practitioners
guide
Leslie Fox and Priya Helweg. 1997. Unpublished

NGOs and grassroots policy influence: what is success?
Valerie Miller. IDR Reports 5, IDR Boston, USA

Advocacy Sourcebook: frameworks for planning, action, and reflection.
Valerie Miller and Jane Covey. IDR. Boston USA 1997

Public Interest Law Handbook
Public Interest Law Initiative 2000

Advocacy Training Manual
South African NGO Coalition (SANGOCO). 1998

The Role of Media in Democracy – a strategic approach.
USAID Centre for Democracy and Governance. 1998

News for a Change: an advocate's guide to working with the media
Lawrence Wallack et al. Sage, Delhi, India 1999

The Structure of Policy Making – in Public Policy and Advocacy: position and opposition in the Calabarzon
ed. Edna A Co, Ateneo Centre for Social Policy and Public Affairs, Philippines

Tools for Political Mapping – towards an understanding of policy networks (ibid)

Do the Facts matter? NGOs, Research and International Advocacy
Caroline Harper in Global Citizen Action

2.D. Organisations

Directory of Advocacy Organisations in the Advocacy Institute

The Advocacy Institute (www.advocacy.org)

Just Associates (www.justassociates.org)

CEDPA Centre for Development and Population Activities)
www.cedpa.org

Citizen Power Foundation
www.poderciudadano.org.ar

IDR (Institute of Development Research)
www.jsi.com/idr

International Budget Project
www.internationalbudget.org

INTRAC (International NGO Training and research Centre
www.intrac.org

Centre for Civil Society Studies, Johns Hopkins University
<http://www.jhu.edu/~istr/>

National Centre for Advocacy Studies, India
<http://www.ncasindia.org/>

Chapter 9

Case Studies

1. PSAM (Public Service Accountability Monitor), South Africa
The Case Monitoring Project—monitoring, documenting, and investigating cases of misconduct, corruption and maladministration in
2. TI (Transparency International) Slovakia
Monitoring of the Privatization of Slovak Telecom
3. Open Society Georgia Foundation in Georgia
Civil Monitoring of the Presidential Decree #95 of 15 March 2001
4. Global Witness, UK
Independent Observer in Support of Forest Law Enforcement in Cameroon
5. Center for the Implementation of Public Policies Promoting Equality and Growth (CIPPEC), Argentina
Argentina's Budget Watchdog: "Lupa Fiscal"
6. Poder Ciudadano, Argentina
The Program for Transparent Contracting
7. Mazdoor Kisan Shakti Sangathan (MKSS), Rajasthan, India
Jansuvai Public Hearings and Right to Information Campaign
8. Uganda Debt Network (UDN), Uganda
Monitoring of Poverty Action Fund (PAF)
9. People's Movement "Resistance," (OTPOR!) Serbia
Customs Monitoring

CASE STUDY 1:

PSAM (Public Service Accountability Monitor), South Africa

The Case Monitoring Project—monitoring, documenting, and investigating cases of misconduct, corruption and maladministration in the Government of the Eastern Cape Province

(<http://www.psam.org.za>)

Executive Summary

The Public Service Accountability Monitor (PSAM) is an independent research institute dedicated to strengthening democracy in South Africa. As part of its activities, PSAM has since 2000 implemented the Case Monitoring project, which monitors, documents, and investigates various cases of misconduct, corruption and maladministration in Eastern Cape government departments through a publicly accessible on-line database. The database also serves as an important advocacy tool, since it takes up individual cases of corruption and draws attention of the general public both to the existence and the spread of corruption, as well as the government's response to it.

Background to the Program

Following the end of Apartheid in 1994 South Africa committed itself to good governance and curbing corruption—and found much that needed curbing. It strengthened the existing oversight bodies, such as Parliament's Standing Committee on Public Accounts, or SCOPA, and initiated a number of other measures: the National Anti-Corruption Summit (1999), the Directorate of Special Investigations, known as the "Scorpions" (1999), the Moral Regeneration Committee (2000), the National Anti-Corruption Forum (2001), and the Public Service Anti-Corruption Strategy (2003). There are serious organizations fighting corruption, and much corruption to be fought. The Eastern Cape provincial government is considered one of the most corrupt, and receives a special Interim Management Team from President Mbeki to try and reform it. NGOs have paid a relatively small part in fighting corruption compared to the oversight bodies of the government, the Courts, and the media.

Background to the Organization

The Public Service Accountability Monitor (PSAM), founded in 1999, is an independent monitoring and research institute dedicated to strengthening democracy in South Africa. The organization believes that transparency and accountability are the cornerstones of a healthy democracy. PSAM conducts independent research, monitoring and policy analysis. PSAM is based at Rhodes University in South Africa's Eastern Cape Province. The organization gathers information on the management of public resources and the handling of misconduct and corruption cases by government departments. This information is collected in a rigorous, objective and politically impartial fashion. By publishing this information, PSAM hopes to give members of parliament, civil society organizations and ordinary citizens the tools necessary to hold government ministers and public officials accountable for their performance. Through their website, PSAM also hopes to give government ministers and officials the opportunity to communicate their successes and achievements to the South African public.

PSAM is currently implementing five major projects. The organization grew out of a small organization called the Independent Corruption Monitor started by a sociology lecturer, Colm Allan, who was an apartheid era dissident political activist who had grown disillusioned by the blossoming of corruption in the post Apartheid society. In 1998 he started, with a group of fellow activists, to compile a list of documented cases of corruption and maladministration in Eastern Cape government departments. In 1999, with lukewarm support from the provincial government, he decided to expand into a comprehensive data base documenting

corruption that would also be used to demand corrective action. This effort was a predecessor of PSAM and its current projects and activities.

Selection

The Case Monitoring Project fits well with the PSAM's priorities. It is also a logical progression from the Independent Corruption Monitor, an anti-corruption documentation project of a group of activists.

Goals of the Project

The main goal of the Case Monitoring Project is to hold the executive and relevant government departments accountable for the prompt investigation and initiation of disciplinary or criminal proceedings and recovery of public funds in cases of misconduct, corruption and maladministration in Eastern Cape departments, and selected national departments. The project also seeks to ensure that legislature oversight committees and constitutional bodies are informed of all such cases and that the corrective steps are taken. Finally, the project is aimed at raising awareness among civil society organizations and the general public of the negative impact of corruption and maladministration on public service delivery and on the realization of socio-economic rights.

Program

Monitoring

The cases are identified by comprehensive and persistent monitoring of the press and official documents (such as, for example, Auditor-General's reports, minutes of oversight committee meetings and the annual reports of government departments).

Individual cases are identified and researched by two researchers. Their task is to identify stories in the print media related to case monitoring, as well as to monitor media and other sources of information to identify potential cases to be followed up. They then cut out and file the information, create profile for each case and enter the information into the database, write a short summary for the case, scan all case documents, verify the accuracy of all information entered into the Case Monitoring database, and review accuracy of case information on the PSAM web site after updating.

The researchers also work on a newspaper column, the *Accountability Monitor*, in which results of case monitoring are presented.

When a new case appears, whether it is obtained from a government department or the media, it is entered into the database, and the date of entry is recorded. At the end of each month, respective government departments are sent details of each new logged case relevant to their field of work. They are asked to report what corrective action has taken place regarding each case and have 30 days to respond.

If the department responds within the 30 days, PSAM can then either conclude the case by classifying it into one of the case categories they have devised (see below), or, in case the situation is still unclear as to the handling of the case, request further information, and give the department in question further 90 days to supply them with that information. After this period, PSAM can either close the case and categorize the outcome in accordance with the existing case categories, or request information one more time. Failure to respond to this second inquiry is then dealt with by invoking the Promotion of Access to Information Act.

If the department, however, fails to respond within the initial 30 days, they are sent a reminder calling on them to respond and giving them a further 30 days. If they were to

respond then the methodology continues as above with resolution or further information requests. If they fail to respond after this second period they are sent a final reminder with another 30 days to respond. Failure to respond after this results in a Promotion of Access to Information Act request.

Once a Promotion of Access to Information Act request is made, departments have, according to the terms of the Act, 30 days to respond to PSAM. Failure to do so is considered a refusal, according to the terms of the Act. This refusal is then appealed by PSAM and, again according to the terms of the Act, a further 30-day period is given to the department to respond to the information request. If this period also results in non-compliance by a department, the issue is then presented to the Court.

Cases are divided into four categories:

- unresolvable,
- no reported solution/no resolution,
- resolved according to department, and
- resolved according to PSAM

A case is considered unresolvable when the department states in writing to PSAM that the case cannot be realistically resolved and provides reasons behind that judgment. If PSAM concurs with this conclusion, the case appears on PSAM website as unresolvable, and is no longer included in any statistical analysis. However, if PSAM does not concur that a particular case is unresolvable, it falls into the category of no resolution.

Cases have no reported solution or no resolution when they are reported in the press, but there are no subsequent reports of any corrective action, either from the press or from the departments themselves; or when PSAM believes that there has been an unsatisfactory resolution, despite the initiation of formal disciplinary proceedings. For instance, when any the money in question is not successfully recovered, when there is a failure to initiate appropriate criminal proceedings, or when PSAM believes that a disciplinary sanction imposed does not match the severity of the misconduct in terms of relevant disciplinary legislation. Cases also fall into this category when the department considers a case unresolvable, but PSAM does not concur and thinks that a case could still be appropriately resolved.

A case is considered resolved according to department when the legislature or department concerned has initiated internal disciplinary proceedings, a hearing has been held and a disciplinary sanction reached. In the opinion of the department concerned this case is thus resolved. The respective department's written conclusion to this effect then appears on the PSAM website.

Advocacy

A case is considered resolved according to PSAM only when effective and appropriate disciplinary proceedings have taken place according to the relevant enabling legislation. This includes appropriate disciplinary action, full recovery of funds and, if appropriate, referral for criminal proceedings.

In all these cases, PSAM makes available via the website the actual response from the department concerned for each case. This enables the department to disseminate to the public their own assessments of respective cases and any action that was, or was not, taken in each instance.

This means that if PSAM agrees that a case has met with a satisfactory resolution, in terms of the conditions outlined above, PSAM's summary of the case, which also appears on the PSAM website, will commend the respective department for taking the appropriate action. If, however, PSAM does not agree with a department's contention that a case is resolved, it places alongside the department's conclusion an explanation as to why PSAM considers that case unresolved. An instance of this would be, for example, if any funds that were misappropriated were not recovered in full.

The reasons behind decisions reached by the departments regarding each case that appears on the website are made public, which provides the departments with an opportunity to engage a constructive debate concerning the appropriateness of disciplinary action not only with PSAM, but also with the public at large.

This process of open communication helps change current public perceptions of corruption within the province. The website also contains full statistics about the total number of cases and different categories under which the cases fall. In the beginning of the project, the statistics were quite basic. Recently, however, PSAM has started to display statistics on its website in a more sophisticated fashion.

While still showing a global total for the number of cases involving the provincial administration in general, the number of those considered resolved is broken down to reflect those considered resolved according to the departments themselves and resolved according to PSAM. In addition, the website now provides a breakdown of these cases on a per department basis. Thus, under each individual department heading there are three sets of statistics—the total number of cases for that department, cases considered resolved according to that department, and cases considered resolved according to PSAM. This enables members of the public to evaluate each department on its individual merits. Importantly, it also allows individual departments to demonstrate their own commitment to tackling corruption and maladministration, independently from the performance of the entire provisional administration.

As part of PSAM's ongoing dialogue with the Department of Health, the department has agreed to supply PSAM with details of all disciplinary cases that it is currently processing. Each case is assessed by PSAM and those deemed to be in the public interest are entered onto the website and categorized in accordance with PSAM's criteria. The Department of Health has realized that this has given them an opportunity to disseminate to the public, information regarding its steps to tackle corruption and maladministration.

PSAM aims to engage with all other departments in a similar fashion enabling it, where appropriate, to commend departments that have taken suitable corrective action.

In addition, by demonstrating on the PSAM website that a department is voluntarily bringing cases of corruption and maladministration to the attention of the PSAM, it is anticipated that public perceptions of the attitude of respective departments towards corruption will change.

Results of the Program

It is very difficult to measure the impact of PSAM's work, and the success of the Case Monitoring Project. However, PSAM's database has revealed the extent of corruption in Eastern Cape departments: of the 537 cases reported in the Eastern Cape since 1996, only 38 (7 percent) have reportedly been resolved (through appropriate corrective action). These cases involve R6.9 billion. Only R324 million (4.7 percent) of this sum has been accounted for.

The Case Monitoring Project has served as a tool for both exposing and dealing with corruption on one hand, and raising public awareness of the general population on the other. The fact that the Department of Health has volunteered to supply PSAM with information about the disciplinary cases they are currently processing testifies to PSAM's influence and breakthroughs in fighting corruption in Eastern Cape. By taking up individual cases of corruption and closely following the government and the institutions' response to them, PSAM effects an important change in post-apartheid South African society's attitude towards corruption. In that sense, therefore, apart from its evident success as an anti-corruption tool, the database has served as an important advocacy tool that has enabled both the government and the general public to raise their awareness of the importance of anti-corruption work.

Management of the Program

PSAM's Case Monitoring Program has been managed by a staff of five, and has been funded by the Ford Foundation and the Open Society Foundation.

CASE STUDY 2:
TI (Transparency International) Slovakia
Monitoring of the Privatization of Slovak Telecom
(<http://www.transparency.sk/>)

Executive Summary

From March 1999 until 2000, the national chapter of Transparency International in Slovakia conducted a monitoring project in which it monitored two major processes during the privatization of Slovak Telecom: the process of selection of privatization advisor to government, and the process of privatization proper. The monitoring project was successful: Transparency International Slovakia pointed to some weaknesses during the process, which resulted in some corresponding political decisions on the part of the government; and Transparency International Slovakia developed, as an end product of the monitoring tool, systemic recommendations to the government for future cases of privatization.

Background to the Organization

The national chapter of Transparency International in Slovakia was established in 1998. Since then, it has successfully established itself in Slovak public life as an NGO dedicated to anti-corruption work in various fields. Government officials and opposition leaders and parties across the political spectrum have invited Transparency International Slovakia to discuss corruption and anti-corruption related issues. The main activities of Transparency International Slovakia focus on education and research. The “five pillars” of the organization’s activities are: increasing the anti-corruption awareness of the general public through media-based outreach, a newsletter, and an anti-corruption resource center; increasing the anti-corruption awareness of decision-makers through seminars on workshops pertaining to public service issues; increasing the anti-corruption awareness of young people through secondary school programming; developing a training center and methodologies for anti-corruption work; and organizing working groups focusing on systemic change efforts in the anti-corruption area. Also, TI Slovakia is interested to learn how public policies and processes are organized, in order to be able to propose improvement measures.

Transparency International Slovakia participated in three monitoring activities in order to develop more “systemic” recommendations that they were able to offer to the Slovak government. In a sense, the organization carried out pioneering monitoring work.

Background to the Program

According to studies by relevant organizations such as Transparency International and the World Bank, Slovakia has exhibited a significant level of corruption. This was especially the case during the government of Vladimir Meciar, from 1994 to 1998. The two areas most vulnerable and most susceptible to corruption have been public procurement and privatization. In both these areas, the record of Meciar’s government has been dismal. Even before the time of Meciar’s government, a large number of state enterprises privatized by the first post-communist government went to friends and family members of the persons in charge of the process, which, in its turn, was neither transparent nor strictly regulated in legal terms. Also, many enterprises privatized during Meciar’s government were sold without regard for state profit; some have since gone bankrupt. Therefore, the privatization conducted during the time of Meciar’s government, in addition to significantly lacking in transparency, also had a negative fiscal impact on the Slovak society.

Selection

When the new government of Mikulas Dzurinda was formed in October 1998, one of its first priorities was to make the processes of privatization and public procurement more transparent, since the problem of corruption in these fields was widely perceived to be severe and endemic. One of the ways in which the government attempted to tackle this problem was by appointing independent observers to monitor the processes of privatization and public procurement. It is in this context that Transparency International Slovakia was invited to monitor the process of privatization of Slovak Telecom. TI Slovakia did not select this project for their involvement; rather, the government invited TI Slovakia to be involved, because of its reputation as an organization of integrity engaged in anti-corruption work and advocacy for a cleaner Slovakia.

Goals of the Project

The main goals of the monitoring of the privatization process of Slovak Telecom in which Transparency International Slovakia participated as an independent observer were:

- a. to observe the process in order to increase transparency and minimize the possibility of corruption, by being present at the meetings of all relevant bodies participating in the privatization process, by regularly providing memos to the general public about the developments in the process, and by developing systemic recommendations for future privatization processes; and
- b. to raise awareness of the general public about corruption and transparency issues in Slovakia, especially in privatization and public procurement tenders.

Program

Monitoring

According to Slovakia's privatization law, the process of privatization mandates the government selection of a strategic partner, which acquires 51 percent or more of the shares of the enterprise to be privatized, and thus acquires a controlling interest. In the initial stages of transition, this was the process that was particularly vulnerable to corruption, since it was not transparent. The process of selection of the strategic partner is managed by an Advisor, who reports and prepares documents for an Inter-Ministerial Committee with decision-making authority. Although it does not have ultimate authority over the entire process, the Advisor has considerable impact on the selection of a Strategic Partner. Once the Advisor is selected by the government, it manages the process of privatization proper.

The Advisor selection process for the privatization of Slovak Telecom was initiated in early February 1999. A Steering Committee appointed by the Ministry of Transport, Post Offices and Telecommunications of the Slovak Republic was charged with selecting an Advisor to oversee the process of privatization.

On March 17, the government invited TI Slovakia to participate, as an independent monitor, in the process of selection of the Advisor and the subsequent privatization process. The invitation came as a result of the government's sincere determination to tackle corruption; one of the important issues in Dzurinda's political platform was the issue of corruption. Although it came once the process had already started, the invitation was nevertheless accepted, since TI Slovakia deemed the process very important. By extending the invitation to TI Slovakia, the government wanted to contribute to the better transparency of the process, and to be seen to be doing so.

In coordination with the government, TI Slovakia developed the terms of its participation in the process as an independent monitor. They were very clear, and included several important points. The terms of reference and tender documentation were prepared and distributed to potential entrepreneurs, as well as to the media. A formal agreement was drawn up including the rights and responsibilities of both the Ministry and Transparency International Slovakia. As an independent monitor, TI Slovakia stated that its purpose in the monitoring process was to point to weaknesses in the selection process, which could be identified and remedied in future processes. In the agreement, TI Slovakia included the provision that the organization would make available to the public the results of the transparency monitoring in its Final Statement.

The Board of TI Slovakia appointed three persons to monitor the process of the selection of the Advisor. These persons were economists with previous experience in transparency and corruption issues. One also had a legal background, and had co-authored the first Public Procurement Act in Slovakia in 1993.

The monitoring of the selection of the Advisor took place over a period of two months, from mid-March to mid-May. During this period, the three-member team of TI Slovakia sat on, and monitored all meetings of the Steering Committee. The minutes of these meetings were subsequently published on the organization's website, and were widely available both to the general public and the media. After this period, TI Slovakia identified several systemic points related to increasing transparency in the selection of an Advisor, and published its recommendations in the Final Statement.

Once the Advisor in the privatization process was selected, TI Slovakia proceeded to monitor the process of privatization proper, i.e. the selection of strategic partner for Slovak Telecom. A monitoring team was set up by the Board of TI Slovakia; it included one journalist and two economists (one with a legal background). Upon the establishment of the monitoring team, it was presented to the general public at a press conference. The general public was also invited to submit complaints regarding any perceived lack of transparency in the privatization process.

The main monitoring activity of the monitoring team was to attend and observe the meetings of the Inter-Ministerial Committee and publish the minutes and memos, and thereby make them available to the general public. The process also received coverage in the national media. At the conclusion of the monitoring process, a Final Statement evaluated the level of transparency and presented systemic recommendations for improvement. One of the major shortcomings of the privatization process, according to TI Slovakia, was that the privatization documents were published only in English, and in vague and imprecise language, with the open possibility of different interpretations; the consequence of this was that one party in the process missed the deadline for submission of some documents, but since the provisions were interpreted differently, stayed on in the competition. The final report was made available to the general public through the website of TI Slovakia.

Advocacy

Apart from the monitoring component, which constituted the bulk of the first part of the project, the project also had an important advocacy component. Having gained a detailed understanding of the opportunities and needs for increased transparency in various stages of the privatization processes, TI Slovakia developed several policy papers and activities that elaborated recommendations for systemic changes. These included:

- a. "Privatization Information Minimum." This document contained a list of kinds of information that should be made publicly available for the entire privatization process. This list included general information concerning the privatization process, information concerning the selection of an advisor, including their background, and various types of

information on privatization itself, such as direct sales and public tenders. The “Privatization Information Minimum” was submitted to the government anti-corruption unit, which later incorporated it to the anti-corruption action plan that was eventually adopted by the government.

- b. “Public Procurement Information Minimum.” This document stated clearly what kind of information should be made publicly available during the public procurement process, and how processes could be made more open.
- c. Amendment of the Law on Public Procurement. TI Slovakia prepared an amendment to the Public Procurement Act that introduced a practice of monitoring by an independent observer. Article 34, paragraph 2, says: “To provide for the open nature of the procurement process, the contracting authority may appoint even additional commission members, without any title to evaluate the tenders/bids.” This provides for the participation of an independent monitor in procurement commissions, who would have the observation/monitoring right, but would not have the right to make decisions.
- d. Working group on Public Procurement. TI Slovakia formed a highly professional working group on public procurement that regularly prepares analyses on current issues connected to public procurement. These analyses are widely distributed to decision-makers and the media and are publicly accessible through the organization’s web page.

These moves by the organization were covered by the media. The documents are available at TI Slovakia’s web site.

Results of the Program

The monitoring of Slovak Telecom project was successful for several reasons. First, it pointed to ways in which civil society organizations can participate in the process of privatization and contribute to its better transparency. It also showed that independent monitors can have a significant role in the process: for example, TI Slovakia, in collaboration with the media, who exerted significant amount of public pressure—acquired a position powerful enough to exert pressure on two high government officials. They had to resign as a result of lack of transparency in the process. The resignations were related to the shortcomings in the process of the selection of the Advisor, to which TI Slovakia pointed in its Final Report. This was the first time that public pressures related to transparency had resulted in the resignation of a high-level public figure. Finally, TI Slovakia developed systemic recommendations for future processes of privatization and presented them to the government which was eager to adopt some of them.

The project also raised public awareness of anti-corruption and transparency issues. Following the release of the Final Statement, the need for increased transparency entered the public debate, and the general public became more aware of, and interested in, tenders, the processes of privatization, and public procurement.

While the example of monitoring itself was not overwhelmingly followed by other organizations in Slovakia—the number of other monitoring projects by other organizations in Slovakia is not large—it did point to an important way in which corruption can be curbed. On the other hand, the success of the process and the systemic recommendations that came out of it contributed significantly to the realization on the part of both the government and the general public of the need to institutionalize anti-corruption practices, so that, in a way, subsequent privatization processes did not require the kind of monitoring that was implemented in this case. The best example of both the organization’s reputation in Slovakia and its monitoring capacity is the fact that the Slovak government accepted and

passed the National Program of the Fight against Corruption, which was drafted and developed by TI Slovakia.

Management of the Program

Importantly, TI Slovakia did not require funding for this project. For more than a year, two three-member teams carried out the monitoring project on their own time, voluntarily. The project involved mostly sitting on various meetings and publicizing the proceedings on the web site, and the people involved did not charge for their time. This meant that TI Slovakia did not have to negotiate funding from donors or be influenced by donor priorities.

This program fitted into the overall framework of TI Slovakia's goals and activities, but was a special and unexpected opportunity for it to work on the topic of procurement and privatization. TI Slovakia's role was to identify the consultants for the government, assure itself of their competence and integrity, and provide them with the platform of TI Slovakia's web site. TI Slovakia had quarterly meeting with the consultants to make sure they were kept informed about the development of the work. The program also offered greater public awareness of TI Slovakia, which might persuade the government to offer them more opportunities of a similar nature.

CASE STUDY 3:
Open Society Georgia Foundation in Georgia
Civil Monitoring of the Presidential Decree #95 of 15 March 2001
(<http://osgf.ge/>)

Executive Summary

Corruption in Georgia has been one of the most serious problems facing the government. In 2001, the President of Georgia signed Decree #95, called “Some First Place Anti-Corruption Measures,” as a follow-up to the anti-corruption measures that he had instituted previously. A coalition of Georgian NGOs, under the umbrella leadership of the Open Society Georgia Foundation, successfully monitored the implementation of this anti-corruption decree at various levels of government and in various fields under the title “Civil Monitoring of Presidential Decree 95”. The coalition concluded that the Government of Georgia lacked the political will to fully implement the decree and combat the existing widespread corruption. This project, conducted over less than three months in 2001, greatly raised awareness of the general population about the government’s commitment to eradicating corruption, and was an important contribution to the subsequent political change in Georgia in November 2003.

Background to the Program

There is a strong consensus amongst the people of Georgia that corruption has become a major obstacle to political and economic development. The problem of graft has become the central issue in political struggles in the country. While the government recognizes the scope and urgency of the problem, it has taken no effective measures to remedy it, and is believed by the population to lack the political will to do so, and to perhaps be befitting from the corruption itself. Corruption is rampant in various spheres of public life, varying from one agency or region to another. In a poll conducted by GORBI⁹² in 2001, 60.4% of respondents said that all or a majority of public servants were corrupt, and a further 36.8% considered some of them to be corrupt. The respondents considered customs to be the most corrupt agency, followed by police and tax inspection. According to the Georgian Institute of Polling and Marketing and other sources, the routine activities most commonly subject to corruption are obtaining a construction permit, getting a business registered, and obtaining a passport. In addition, public servants often illegally sell state information for private gain, and Georgians often pay bribes to obtain exemptions from mandatory military service or to gain admission to prestigious departments in universities. Extortion of protection money by law enforcement agencies has become an established practice. Most importantly, however, corruption has become a systemic problem: boundaries between state agencies and private interests (often connected to organized crime) have all but disappeared. This in effect hinders the development of the country, since public resources are siphoned off into private pockets, without any benefit for the general population.

The media have been active in investigating cases of alleged corruption. Since early 2000, 60 Minutes, a weekly program on Georgian Rustavi-2, has devoted itself almost exclusively to exposing high-level corruption in state agencies. The program has become one of the most popular shows on Georgian television. Investigative reports by the media appear to confirm the widespread belief that government agents, in particular law enforcement officials, are closely implicated in cigarette, fuel, and alcohol smuggling; the drug trade; and abductions for ransom. Regions outside of government control such as Abkhazia and South

⁹² Georgian Opinion Research Business International (GORBI) was founded in 1994, as the result of a growing interest in public opinion and market research in the Caucasus region, including Georgia, Armenia, and Azerbaijan. Their goal is to assist businesses and organizations by providing the most reliable, thorough and relevant information about the Caucasus region and to work with clients through every stage of the research process.

Ossetia provide safe haven for those involved in such activities. As a result of the second war in Chechnya, Pankisi Gorge has become another area where trade in narcotics and hostages under the protection of corrupt law enforcement officers has flourished.

In 1999, Transparency International rated Georgia 84th out of the 99 countries in its Corruption Perception Index. Georgia's score was 2.3. Transparency International did not rank Georgia in 2000 and 2001. In 2002, it was rated 85th out of 102 countries with a score of 2.4, and in 2003 124th of 133 countries with a score of 1.8. According to the Corruption Perception Index, corruption was getting worse in Georgia.

On July 11, 2000, the President of Georgia, Eduard Shevardnadze, signed a decree to establishment a seven-member Working Group to Develop the National Anti-Corruption Program, chaired by the head of the Supreme Court of Georgia. The guidelines for the Program were completed in October 2000. Soon after the development of the full version of the Program—whose recommendations included the liberalization of the business environment, the improvement of the management of public finances, the increase of the general efficiency of governance, the reform of law enforcement bodies and the educational system, as well as tackling political corruption—the Anti-Corruption Coordinating Council was formed under the President of Georgia in April 2001. Soon after this, the Anti-Corruption Bureau was established to serve as the Council's Secretariat.

On March 15, 2001, the President of Georgia signed Decree #95, with concrete and specific assignments for high-ranking central and local government officials to implement reforms in the pattern of corruption e.g. to demolish extra-legal road blocks that extorted money from vehicles passing through. Specific measures in the decree were aimed at increasing transparency in key government institutions, reducing excessive government control of business agencies, and improving the monitoring of income and spending of public officials.

Background to the Organization

The Open Society Georgia Foundation was founded in Tbilisi in December 1994. Since its inception, it has worked as a member of the Soros Foundations Network, created and fully funded by philanthropist George Soros. The Foundation is committed to programs that respond to political and economic change and contribute to the long-term development of open society in Georgia.

The Open Foundation supports programs in the fields of education, media and communications, human rights, science and medicine, arts and culture, local self-government, legal and economic development and reform. Furthermore the Foundation administers and coordinates regional programs, facilitating regional contacts and facilitating exchange of experience among the people throughout the world.

The Civil Monitoring of the Presidential Decree 95 Project also involved a large number of organizations of Georgian civil society who were coordinated by the Foundation.

Selection

The Foundation took the opportunity presented by the issuing of Decree #95 to engage in the monitoring of its implementation. The Foundation felt that this opportunity fitted well with its goals and activities, and provided a fine opportunity for coalition building amongst civil society organizations. The Foundation's Board approved the idea and the funding was made available. The Government did not ask the Foundation and its coalition members to be involved, but at the same time did not prevent this from happening, although, as we will see, cooperation from members of the government varied considerably

Goals of the Project

The main goal of the monitoring project was to observe how committed was the Georgian Government to curbing corruption and fulfilling the stipulations of the anti-corruption decree. The Presidential Decree #95 was the measuring rod against which the Government's real commitment to taking anti-corruption steps could be measured. The NGO sector, as one of the most active part of Georgian society, undertook to observe and publish information about the implementation of the anti-corruption decree 95, in order to see whether there was any real political will to fully implement the anti-corruption measures specified in the Decree, and to identify problems with its implementation. The Civil Monitoring of the Presidential Decree #95 Project was the first attempt by the NGO sector in Georgia to take on these important functions of monitoring and providing information to the public. The second major objective of the project was to raise awareness among the general population in Georgia about the urgency of curbing corruption and increasing transparency in all areas of government.

Program

Monitoring

Financial support of \$20,000 in total for the Civil Monitoring project was provided by the Open Society Georgia Foundation, which also assumed the role of project coordinator. Over twenty other Georgian NGOs took part: Open Society Georgia Foundation, Fair Elections, Horizonti Foundation, Georgian Young Lawyers' Association, UN Association, Free Journalists' Club, Young Economists' Association, DASI, Association "Green Wave," Transparency International Georgia, Association for the Protection of Land-owners' Rights, Rustavi Monitoring Group, Adgilis Deda Foundation, Free Labor Union of Teachers "Solidarity," Association "Small Town," Center for the Protection of Constitutional Rights, Association of Meskhetian Democrats, Center of Democratic Innovations, Association of Legal Development "ALPE," The Anticorruption Center, The Center of Strategic Research and Development of Georgia, The Alliance of Georgian Unity, Association of Protectors of Georgia, as well as others.

The project commenced in the early summer of 2001, and lasted for two and a half months. When President Shevardnadze signed the Presidential Decree #95, which mandated unequivocal anti-corruption measures from various government ministries and other levels of government, the Open Society Georgia Foundation drafted an internal project proposal to monitor the implementation of this decree. The idea was to monitor how the decree was implemented in order to point out its weaknesses and shortcomings, as well as raise public awareness about the importance of anti-corruption work in Georgia.

Once the internal project proposal was approved, the Foundation contacted a number of NGOs in Georgia with the intention of forming a wide coalition of NGOs to carry this project forward. Different organizations were contacted on the basis of their expertise and experience. This potential coalition soon numbered more than twenty member NGOs, most of them well-known in Georgia for their important civil society work on issues of governance and anti-corruption. The NGOs signed a Memorandum of Cooperation, which outlined the responsibilities and relations among the NGOs. The Open Society Georgia Foundation was to coordinate the project and act like an umbrella leader; At the same time, there was no centralized coalition structure, and each individual NGO was responsible for its own part of the monitoring effort, once this had been decided.

The monitoring was carried out in six different categories, reflecting the contents of the decree:

- a. Fiscal monitoring. This included customs, taxes, and other financial fields. The organizations responsible this area of monitoring were Transparency International Georgia, DASI, and the Young Economists Association.
- b. Entrepreneurial monitoring. This included licensing, permissions, and control. It was coordinated by the Young Economists' Association.
- c. Anti-corruption education monitoring. This was coordinated by the Association of Legal Development "ALPE".
- d. Monitoring of the Ministry of Internal Affairs. This was coordinated by the Free Journalists' Club.
- e. Monitoring of the legal field. This was coordinated by Transparency International Georgia.
- f. Monitoring of public information. This was coordinated by DASI.

The monitoring was conducted at both central and local levels of government. The monitoring methodology included the close study of relevant government documents, interviews with public officials at various levels of government, as well as field observation. Most of the results were a consequence of direct, on-site monitoring, whereby the monitors would approach different officials in charge of different government functions, ask them for relevant documents, and observe their actions. These officials were sometimes cooperative, and at other times demonstrated some level of resistance to the monitors' efforts. However, since the 1999 passing of the General Administrative Code of Georgia, which included provisions for free access to information, it has generally been possible to access public information, and the monitors were able to obtain the important information that they needed in order to carry out their monitoring mission. In this sense, existing legislation played an important role in the carrying out of the project.

After two and a half months, the monitoring ended as the dates stipulated in the anti-corruption decree expired. Subsequently, results of monitoring were analyzed. The Coalition, under the leadership of the Foundation, concluded that the Georgian government lacked the political will to execute the First Place Anticorruption Measures envisaged in the Presidential Decree #95. The requirements of the decree had basically not been accomplished. The government failed to inform the subordinate agencies about the existence of the Presidential Decree in a timely and appropriate way. In numerous agencies the officials had not even heard about such a decree. The state agencies partially fulfilled the tasks assigned to them and did not have any positive anti-corruption effect. The coalition considered that the execution of the Decree was not considered an important political priority by the government since they had not supervised its effective implementation. From the State Minister down to the public officials at the low administrative levels, the whole executive branch of government showed a superficial and formalist approach towards the Presidential Decree. A very significant part of the government showed incompetence and an unprofessional attitude towards its obligations to implement the decree.

Advocacy

The publicity campaign that the coalition carried out to inform the public about what they had found, was an important part of the project. The NGO coalition had developed a good relationship with the media, which exhibited interest in the monitoring effort. Because of the widespread corruption that was described in the introduction of this case study, it is a popular issue in Georgia, and this monitoring effort caught wide attention of the media. A major boost for the campaign was the publication of the Final Report in Georgian and

English, which was widely distributed to important domestic and foreign groups in the country, as well as to the general population.

Regular press conferences were held by the coalition, both during the monitoring and once the Final Report was published. This important way of dealing with the media, which included both print and electronic media, allowed the Open Society Georgia Foundation and its partners in the coalition to both present the results of their monitoring, and educate the public about the implications of the information revealed by the monitoring. This allowed the Foundation to carry out the advocacy component of their project—to urge the public to press the government to get serious about reforming these corrupt activities.

Results of the Program

The Civil Monitoring Program proved the value, importance and effectiveness of civil society organizations applying constant social pressure on the government to carry out important anti-corruption measures. When this was done it not only showed up the extent of corruption but also the lack of seriousness in the government to carry out reform.

The program also showed the effectiveness of coalitions of civil society organizations. When the anticorruption activities of NGOs are organized in cooperation, then their different interests, fields of expertise, experience and background are enabled to be more active and rendered more effective.

The program also showed that the population of Georgia accepted that the civil society organizations were serious, conscientious and responsible in their monitoring, and in the conclusions they had drawn from their monitoring. The project was pioneering, since this was the first time such a combined activity of civil society organizations had taken place.

The important factor in this monitoring project is the political and economic situation in Georgia at the time of the implementation of the project. They were the first NGO coalition ever to devise and implement a monitoring project of this sort, and previously they could not count, with any certainty on any cooperation from the government—in which, in fact, they often carried out their activities against the will of the government. The Civil Monitoring of the Presidential Decree #95 was thus an important breakthrough and was widely considered to be successful. While no-one can be certain about the degree of its impact on the subsequent political change in Georgia, there is no doubt that the general realization among the citizens that the government was not serious about curbing one of the major problems in the country could not but contribute to the sense that the government and the president need to be changed—and this indeed happened in November 2003.

Management of the Project

Funds for the project were relatively easily available because this was seen as an important part of the ongoing work of a fully funded Foundation. The costs of the different parts of the project, and the allocation of these funds to the different members of the coalition were smoothly executed under the leadership of the Foundation.

The organizations making up the coalition were very varied in their competence and experience, but all were united in a desire to take advantage of this opportunity to check their government's rhetoric against the reality observed on the ground. The internal proposal written by the Foundation provided the plan of how the monitoring was actually going to be implemented in each of the six categories. The project was then managed through weekly meetings of key coordinating organizations throughout the life of the project that were able to assess how well the monitoring was going, to help those who were having difficulty with government officials, and to start accumulating the information for their final report.

The Foundation was able to exert quality control on the information being received as well as keep the coalition members enthusiastic and committed to the tasks they had agreed to undertake.

Case Study 4:
Global Witness, UK
Independent Observer in Support of Forest Law Enforcement in Cameroon
(<http://www.globalwitness.org/>)

Executive Summary

Global Witness is a London-based NGO that has worked since 1993 to expose the link between natural resource exploitation and corruption and human rights abuses. In addition to several monitoring projects that it has implemented in Africa and Asia, Global Witness was appointed Independent Observer of the Forest Sector in Cameroon in May 2001. Through this project, Global Witness seeks to help the Cameroonian government develop capacity to effectively monitor forestry infractions, which threaten the ecological future of the country as well as the well-being of its population who, due to corruption in the sector, do not benefit from the industry's revenue.

Background to the Organization

Global Witness was founded by three concerned individuals in 1993. From an initial full-time staff of two, its staff now totals 25, and is based in three offices. The organization's headquarters is in London, with project offices in Africa and Asia.

Global Witness has pioneered a pragmatic and successful methodology to help resolve conflict and corruption in countries often rich in resources, but where the welfare of the resident population seems to decline as the exploitation of these resources increases. Global Witness targets the source of the revenue funding the conflict or corruption, and then aims to break the revenue connection by presenting overwhelming evidence to those in a position to ensure change.

Global Witness has used, and continues to use, covert and conventional investigative techniques to identify and document the mechanisms through which natural resources are exploited and removed from countries such as Angola, Cambodia, Liberia and Democratic Republic of Congo. These techniques yield incontrovertible evidence that forms the basis of detailed and objective reports showing how resources are unduly exploited and revenues diverted. These reports are presented to the world's policy makers; thus governments and regulatory bodies are pressured to push for a more sustainable use of resources and a more equitable distribution of revenues. The organization also shares its expertise and information with other NGOs, to increase the strength of the call for change, and to assist other organizations, particularly within struggling civil societies.

Context and Background to the Program

In the mid-1980s, Cameroon experienced a severe economic crisis. Only in the late 1990s was the macroeconomic balance restored, due to the implementation of a strict program of structural adjustment. However, the economic crisis left the population impoverished and the government institutions and the public sector in general prone to corruption. The rise in corruption at various levels accompanied the economic recovery, preventing the alleviation of poverty among the general population.

The forestry sector, which is one of the most important sectors of Cameroonian economy, and could therefore strongly contribute to overall poverty reduction, has been hard hit by corruption at all levels. Corruption and illegal practices in the forestry sector deprive the state budget of significant income that could be used for poverty alleviation and development. They also threaten the ecological future of the country. In addition to this, illegal logging has been known to serve as a source for illegal funding of sides engaged in

armed conflicts across the globe. Although there is no armed conflict in Cameroon, corruption and legal violations in the forestry sector are potentially very dangerous in this respect.

The Cameroonian government has made serious efforts, and has undertaken significant steps to reduce corruption in the forestry sector, and formulate a legal and regulatory framework for forest resource management. In 1992, the Ministry of the Environment and Forestry (MINEF) was formed, and in 1994, the Forest and Environment law regulating the forestry sector was passed; subsequently, programs such as the Program to Secure Forestry Revenue (which ensures better collection of tax revenues from logging activities) and Urgent Action Program (which provides for monitoring and regularization of logging titles) have been implemented. Still, despite the importance and successes of these measures, violations of the forestry law and shortcomings in its implementation remain: they are mostly violations and failures to respect the forestry law and the obligations of holders of concessions and/or logging rights, as well as the absence of monitoring by the authorities.

In order to tackle the problems of weak international credibility, and its overall lack of capacity to more efficiently monitor the logging process and enforce the legal framework, MINEF has committed itself to implementing, with the assistance of the donor community, a project to support an independent observer for the control and monitoring of forestry infractions. Global Witness, a London-based NGO with international monitoring experience, was invited to conduct two scoping missions in Cameroon, in June and October 2000. After the joint Global Witness and MINEF experimental field control missions yielded positive results, Global Witness was appointed Independent Observer of the Forest Sector in Cameroon in May 2001, with the mandate of six months. This mandate has subsequently been renewed, and Global Witness is now formally being reappointed to the position at regular two-month periods, until an independent organization is selected for this post through an international bidding process, which is currently underway. The announcement of the official Independent Observer will be made in October 2004, and Global Witness, due to its credibility, capacity, and renown for having developed the project of independent monitoring of the Cameroon forestry sector, is widely expected to take up the post.

Selection

Global Witness has implemented a number of monitoring projects in the field of natural resource extraction. Therefore, the Cameroon Independent Observer project fits well with the NGO's overall agenda, and Global Witness is well equipped and qualified to serve as Independent Observer of logging activities in Cameroon. This particular project was based and developed upon the experiences of a similar logging monitoring project that Global Witness carried out in Cambodia.

Goals of the Project

The overall objective of the long-term Independent Observer in Support of Forest Law Enforcement in Cameroon project is to provide support to curbing corruption and the establishment of good governance in the forestry sector in Cameroon. Eventually, through the realization of improved sustainable management of forest resources and increased revenue, the forest sector will contribute to poverty alleviation. Reducing illegal logging would contribute to a more effective development of community forest projects and prevent populations from being deprived of access to both timber and non-timber forest products for a more equitable local development.

Program

The activities and the scope of the Global Witness mission in Cameroon are sanctioned by Terms of Reference agreement, a contract that Global Witness signed with the Cameroonian

Government. Global Witness opened a field office in Cameroon, staffed by a project director, a co-director, two foresters, a driver and an administrative assistant.

Monitoring

The main activity of Global Witness under the Independent Observer in Support of Forest Law Enforcement in Cameroon project is undertaking field missions, in which they observe the logging practices of various companies and individuals on the ground. The field missions are organized in cooperation with the Cameroonian Government, and are usually undertaken as joint missions with Central Control Unit (CCU) officials. Central Control Unit is an organ of MINEF in charge of observing the logging practices. However, under the Terms of Reference agreement, Global Witness has a right to undertake independent missions as well, and also has access to documents pertaining to logging activities (such as logging titles, etc.).

Global Witness and CCU record any infractions they might observe in the field. There are various kinds of logging infractions, and it is important to note that not all illegal logging activities are connected to corruption and bad governance. Some of the most common logging infractions include exploitation without title; exploitation out of boundaries; exceeding period of exploitation granted; exploitation of unauthorized species; no demarcation of boundaries; no marking of logs; etc. CCU and Global Witness each write their own field report; CCU is also in charge of issuing *Proces-Verbal* (PVs), statements registering an infraction, on the basis of which legal proceedings against violators are initiated.

Global Witness presents its findings and reports at regular meetings of the Reading Committee. This body consists of the representatives of Independent Observer, MINEF, and the donor community. The Reading Committee meets once every three months, and discusses and approves the reports submitted by Global Witness.

In its capacity as Independent Observer in Cameroon, Global Witness has, since the inception of the project in May 2001, carried out some 92 observation missions, either accompanying the CCU (78), or as unaccompanied independent missions. One-hundred-and-fifteen case inspections have been carried out, of which 95 addressed exploitation and timber recovery permits. The missions discovered that illegal activities were conducted in 72 titles.

In addition to monitoring the logging practices on the ground, Global Witness also monitors the initiation and conduct of legal proceedings against violators. Independent Observer monitors the reaction of the legal system to registered and documented logging infractions: i.e., whether CCU issues PVs once an infraction is registered, how these documents are processed by the legal system, whether any fines have been imposed or funds recovered, etc.

Capacity Building and Advocacy

Apart from the strictly monitoring activities, part of the mandate of Independent Observer is to help the capacity building process within the MINEF and other government officials, as regards the forestry sector monitoring procedures and methodologies. This includes workshops and training sessions on modern software and monitoring technologies (such as the Global Positioning System and the Geographic Information System, for example), technical assistance, etc.

The Terms of Reference agreement between Global Witness and the Cameroonian Government envisions the establishment of a Case Tracking System (CTS), a database that would contain records of all kinds of logging violations, their perpetrators, as well as data on

follow-up activities, or lack thereof, of the judicial system. CTS is still under construction at the time of writing of this case study.

Under the original Terms of Reference agreement, pertaining to the initial six-month period of Global Witness's independent monitoring that started in May 2001, one of the activities that Independent Observer was going to undertake was to help to formulate the terms of reference for training the Cameroonian NGOs in control technologies and the collection of verifiable information on illegal logging, in order to build up monitoring of forest land by the neighboring populations and NGOs. Also, Independent Observer was going to facilitate the organization of awareness-raising sessions for those involved from MINEF and civil society (NGOs, private operators, rural groups) on their different roles in controlling logging and monitoring forest land. The idea of this part of the mandate was to build a widely-based participatory monitoring effort that would both help the role of Independent Observer and guarantee the sustainability of the monitoring effort. However, these provisions were scrapped by the Cameroonian Government in subsequent Terms of Reference agreements, and Global Witness has had to terminate formal relationships with the NGO sector. Contacts, however, still exist, and some indirect capacity building measures (mostly awareness-raising) are still being undertaken by Global Witness, which has continued to stress the importance of its potential role as a conduit between the NGO sector and the Cameroonian Government.

Global Witness, in its capacity as Independent Observer, has been quite cautious about publicizing its findings. This has been the case due to some bad experiences with the media, which misquoted the Global Witness reports, quoted them out of context, or misrepresented its findings in other ways. Also, Global Witness has a history of close, but often tense, cooperation with the Cameroonian Government, which could be put at risk by media blunders. In the beginning, the relations with Government officials were tense and filled with suspicion on the part of MINEF, but have recently generally improved. In any case, through publishing of reports, maintaining a web site, and contacts with stakeholders, Global Witness maintains its presence and a public awareness of its activities in Cameroon.

Results of the Program

Since the inception of the Project of Independent Observation in Support of Forest Control in Cameroon only a fraction of the criminal offenses discovered have been reported by MINEF's CCU. Likewise, to date, few follow-up missions have been undertaken when they have been requested by the Independent Observer or the CCU. No case is known to the Independent Observer of a follow-up mission conducted by the MINEF in response to a criminal offense discovered during a joint mission. According to the information given to the Independent Observer, in situations where criminal offense reports have been issued, no judicial procedures have been initiated with the exception of one case (Société Forestière Hazim, SFH; see Report of the Independent Observer No. 014).

However, the Independent Observer could observe lately that more rigorous and adequate measures of law enforcement have been taken by the control agencies. However, this tendency needs yet to be proven to show a deepened commitment on side of MINEF to its willingness to reform.

The main success of the Independent Observer in Support of Forest Law Enforcement in Cameroon project has been a general improvement and a more thorough law enforcement in the forest sector. Significant successes have been achieved in the management of the logging titles, as well as in the classification and systematization of infractions; they are now considered offenses that can be prosecuted, and are not hidden behind special provisions and dispensations. A significant change has been achieved also in the awareness among both the Government and the private sector stakeholders, who now more and more realize

the need for a change in the forestry sector exploitation. At the same time, Global Witness has gained leverage as a credible organization working for the improvement in the sector.

Management of the Project

Global Witness has had several important donors for this project. They include the European Union (EU), Department for International Development (DFID) of the British Government, Canadian International Development Agency (CIDA), World Bank, and the Cameroonian Government.

Global Witness received £12,126 in funds for the initial two scoping missions. Some of these funds were provided by the EU STABEX fund. However, the missions were not covered by this grant, and Global Witness had to make a significant contribution from its own reserves. From the period May 2001 to July 2002, known as the Transition Phase, Global Witness received £298,760 from DFID, the World Bank, and IUCN. Since August 2002, until March 2004, the project costs totalled £575,903, whereas the projected costs until March 2005 amount to another £369,000. The donors in this phase have been DFID, the World Bank, CIDA, and EU.

The project has been managed from a local office of Global Witness in Yaoundé, in cooperation with the main Global Witness office in London.

CASE STUDY 5:
Center for the Implementation of Public Policies
Promoting Equality and Growth (CIPPEC), Argentina
Argentina's Budget Watchdog: "Lupa Fiscal"
<http://www.cippec.org.ar/>

Executive Summary

Center for the Implementation of Public Policy Promoting Equality and Growth (CIPPEC) is a policy institute based in Buenos Aires, Argentina. It is a private, non-profit organization that strives to create a more just, democratic, and efficient government in Argentina to improve the quality of life of all Argentinean citizens. CIPPEC aims to institutionalize mechanisms that will strengthen the ability of civil society to monitor public resources and expenditures, enhance citizen participation, and strengthen the more transparent role of the legislature in the budget process. Since 2001, CIPPEC has been implementing the Argentina's Budget Watchdog program, called "Lupa Fiscal." Through this project, CIPPEC has monitored the Argentinean budget at various stages of its drafting and execution; it has also organized an advocacy campaign, and worked with select NGOs at the local level, who work on specific issues, and who have benefited from the budget information provided to them by CIPPEC.

Background to the Organization

CIPPEC was formed in September 2000 when eleven young professionals, from various fields and with differing political points of view, saw the need for Argentina to be a more just and developed country. They decided to come together to create a non-profit organization dedicated to improving the quality of public policies in Argentina and Latin America. Specifically, they envisioned that CIPPEC would help turn sound ideas into concrete policies in the areas of education, public health, justice, transparency, and public spending, thereby setting itself apart from other NGOs.

Today, some twenty years after Argentina's return to democracy, the work that CIPPEC has been doing is as important as ever, as Argentina is experiencing the gravest social and economic crisis in its history. CIPPEC focuses on helping to solve some of the country's greatest challenges: deterioration of education and public health; scarce access to justice; weak political institutions; corruption; and fiscal insolvency.

CIPPEC believes that only an active civil society and a more just, responsible, effective, and transparent government will create an Argentina that not only can be integrated into the world system, but will also address the needs of its citizens, enabling all Argentines to develop to their full potential. Democracy in Argentina is quite young. Over the last two decades, Argentines have been involved in reconstructing the basic institutions of civil society, and civic participation is on the increase. Still, there is much more to be done.

CIPPEC believes that in order to improve the sustainability, efficiency and equity of public spending in Argentina in the long run, it is crucial to educate and involve civil society in the budget process. An informed and involved citizenry will actively control corruption, inefficiency and injustice in public spending, and will create incentives for politicians to behave honestly and efficiently. CIPPEC has taken concrete steps towards providing the public with accurate information and independent analysis regarding the budget process.

Selection

As an organization dedicated to promoting and fostering a more accountable government, and participation of the civil society determining and monitoring public policies, CIPPEC had an interest in developing and implementing a budget monitoring project such as Argentina's

Budget Watchdog. CIPPEC has previous monitoring experience, as it has been involved in a number of monitoring projects in various fields, such as legislature monitoring, electoral finance monitoring, etc.

Context and Background to the Program

Ever since the democratic system was restored, Argentina has faced structural fiscal imbalances that have led to recurring economic and political crises. The process of allocation of public spending has been inefficient and unequal. However, the cause of this problem is not economic, but political. The key factors of these inadequate fiscal policies and outcomes are the weakness of social and political institutions, and the low level of public information and control over public policy.

Argentina has a history of fiscal mismanagement. Over the past thirty years, the country has undergone two debt crises and two hyperinflations, mainly because of the government's inability to maintain a balanced budget. Public expenditures have kept being higher than tax revenues. As a consequence, successive governments have resorted either to printing money or issuing debt to finance the difference. Although these are standard fiscal mechanisms, in Argentina they have been abused.

The consequences for the welfare of the Argentinean citizens have been devastating. Between 1975 and 1990, real GDP per capita in Argentina fell by around 30%. Although growth in the 1990s was restored, following market reform, deregulation and financial stability, GDP per capita in 2000 was barely above its level in 1980. Furthermore, income distribution became substantially more unequal. The richest 20% of the population earns 26 times more than the poorest 20%, whereas this ratio was merely 14 times in 1991. In addition, 43% of the population—more than 16 million people—lives below the poverty line.

The current crisis in Argentina is mainly due to excessive deficits and debt accumulation during the 1990s. Despite rapid growth until 1998, public spending outpaced the rise in revenues. Furthermore, political spending fuelled by the Menem administration's reelection bid contributed to an increase of public debt of over 45% between 1997 and 2001. When recession hit the country following a succession of international shocks—the Asian, Russian and Brazilian crises—public revenues fell, and financial markets discontinued their lending to Argentina. In this adverse environment, the level of deficit and expenditure became unsustainable, leading the country into one of its deepest recessions in history.

By fostering public information and civil society involvement in the budget process, CIPPEC's Budget Watchdog constitutes a powerful instrument in the quest for economic stability and fairness in Argentina.

Goals of the Project

The main objective of Argentina's Budget Watchdog is to institutionalize mechanisms that will reinforce the capacity of civil society to monitor public resources and expenditures, through both enhanced citizen participation and legislative transparency. The specific goals of the project include: supplying accurate and continuous budgetary information to stakeholders in order to contribute to the analysis, discussion and dissemination of budget data; fostering the understanding and the involvement of civil society in budget issues; and putting the issues of efficiency, sustainability and distributive impact of public spending on the public agenda, and raising the citizens' awareness of their importance.

“Lupa Fiscal”—Argentina's Budget Watchdog

In order to contribute to a better informed and more participatory budget process, CIPPEC publishes four publications every year. These publications serve as a backbone of

Argentina's Budget Watchdog project.

- **Budget briefs.** These publications focus on how the federal government is spending the money collected through taxes, what economic assumptions are made in the process of budget preparation, and other key issues in the budget process. The briefs are simplified narratives accessible to ordinary interested citizens, media, and NGOs that focus on specific issues, and are interested in monitoring and influencing the budgetary decisions in their respective fields. In effect, these briefs serve as explanations of the budget and general current fiscal policies. The briefs are distributed to legislators, the media, and members of civil society; the assumption is that the circulation of the briefs contributes to a lively and improved public debate and analysis of the budget. The briefs are published at the time when the government sends the budget draft to the legislature. It in effect measures the way the parliamentarians use available budget information, and is usually widely quoted by the legislators.
- **Budget guides.** These are similar in content to budget briefs. However, these publications contain more analysis, and more detailed information than the budget briefs. In addition to the budget pertaining to the Argentinean budget, these publications are comparative; they contain information about budgetary and fiscal policies of other countries. The budget guides are published once the legislature approves the budget, and offer an overview of macroeconomic policies. They demonstrate the level of adherence of the government to the macroeconomic assumptions, and are as such quite useful to the NGOs working in specific fields of action.
- **Amendment briefs.** During the time of implementation of the budget, certain changes are often made, as the originally approved budget is rarely adhered to in this phase. It is very common that the government reshuffles budget allocations, cuts some budget items and adds others, and changes fiscal policies during the year. CIPPEC monitors the legislature and its handling of the approved budget, and publishes these briefs that explain every modification, its implications for the overall fiscal policy, as well as general changes in this policy. The objective of these briefs is to promote, by means of a continuous monitoring of spending and general implementation of the budget, the education and participation of civil society in budget matters. CIPPEC hopes that this in turn will create accountability, and increase citizen awareness to the fact that they are in fact the ones who finance public spending.
- **Fiscal policy research and advocacy.** CIPPEC undertakes in-depth research of specific areas and key issues within the budget, and presents the main results of this research in non-technical form to its target audience. These specific areas and key issues are defined through CIPPEC's cooperation with various NGOs at the local level. Most of these NGOs are involved in pro-poor advocacy and target well-focused groups (such as the disabled, the native populations, the vulnerable) and CIPPEC works with them to help them better understand the budget issues and policies relevant to their specific areas of activity.

In order to publish these documents in a timely and accurate manner, CIPPEC needs access to relevant information. Over time, the organization has developed useful and mutually beneficial relations with government officials at the level of the ministries, who have mostly been willing to provide the necessary information and thus help CIPPEC with its mission. The gathering of budget information is a crucial stage of the project, since accurate information is a base for all of CIPPEC's publications and activities. On one hand, CIPPEC benefits from gathering information from the government, while on the other, the government officials are aware of the fact that CIPPEC's work is in everyone's interest.

Once the data is collected, CIPPEC prepares the four main publications. They are intended to foster the understanding and participation of citizens, and facilitate a deeper and clearer debate both among legislators and the society at large. The next step in the process is the dissemination of reports, and fostering public debates around them. This is done through organizing debating seminars in various target organizations, community groups and among business people in order to strengthen the understanding of these stakeholders of the budgetary process.

CIPPEC also systematically monitors and disseminates information about legislative projects with fiscal implications for the budget, which are presented to the legislature. There are around two hundred such projects presented to the legislature every month. CIPPEC keeps track of these projects and presents publicly accessible information about them on its website. The website also contains general and specific information about, and analyses of, fiscal measures and public policies, that have an impact on the budget.

CIPPEC pays special attention to the advocacy component of the Argentina's Budget Watchdog project. It works with national legislators in order to raise their awareness of the complexities of the budgetary process, and provide them with additional tools for important discussions of the federal budget in the legislature. In that sense, distribution of CIPPEC's main publications, as well as workshops and trainings that they have been organizing for legislators have had impact on discussions and formulations of the national budget.

On the other hand, CIPPEC has developed an important relationship with journalists and media representatives. Because of the urgency of Argentina's economic and political problems described above, the media have generally been interested in pursuing and following of CIPPEC's activities. CIPPEC aims to make their publications and discussions of their publications—as well as their other activities, such as workshops, trainings, etc.—public and visible, and the media have been instrumental in this effort. CIPPEC also publishes information on its website, and distributes it through its mailing lists. The presence of CIPPEC in the media, and the presence of its advocacy campaign enhance its ability to persuade policy makers, inform public opinion makers, and contribute to reducing information asymmetries between public agencies and citizens.

Results of the Program

It is very difficult to track the results of CIPPEC's activities, since they have been qualitative rather than quantitative. It can, however, be said that the budgetary process has been more transparent and accessible to the general public and the interested stakeholders since CIPPEC started implementing the Argentina's Budget Watchdog program. Monitoring of the budgetary process has allowed all parties—legislators, the media, NGOs working in specific areas, as well as the citizens at large—to better grasp the importance and the workings of the process, as well as to understand and use the ways available to influence it.

Management of the Program

The main activities of the Argentina's Budget Watchdog program have been carried out by four experts—economists and political scientists—permanently working at CIPPEC, plus two assistants and external consultants. Since its inception, the program has cost around \$100,000 per year. The project has so far been funded by the Tinker Foundation and the Inter-American Development Network. CIPPEC does not accept funding from political parties or the government, in order to preserve its independence.

CASE STUDY 6:
Poder Ciudadano, Argentina
The Program for Transparent Contracting
<http://www.poderciudadano.org.ar/>

Executive Summary

Poder Ciudadano is an Argentinean NGO whose mission is to create a better informed general public and promote collective civic action in the spirit of good citizenship. From March through September 2000, the organization implemented a project entitled the Program for Transparent Contracting, in which it combined the tools of public hearings and integrity pacts in order to monitor the contracting of a public service at the municipal level—in this particular case, the procurement process for waste collection service. By implementing the project, Poder Ciudadano addressed the issue of corruption and lack of transparency in public bidding and procurement of public services, and achieved significant results: it reduced the cost of the public service, increased the transparency of public bidding, and raised public awareness about the possibility of civil society monitoring public institutions.

Background to the Organization

Poder Ciudadano was founded in late 1989 by a group of activists concerned with the protection of civic rights in Argentina. The mission of the organization is to create a better informed general public and promote collective civic action in the spirit of good citizenship. Poder Ciudadano believes that the right of access to information is an important human right, necessary for the enjoyment of other human rights, and that it is essential for transparent and accountable government. The vision of the organization is both a national and international network of citizens and institutions in Argentina that facilitate citizen participation, and protect civic rights in Argentina and worldwide.

Since its foundation, Poder Ciudadano has been involved in a number of projects that have encouraged: the creation of citizen networks in order to influence public policy processes; better control of the administration of justice and the processes of the selection and removal of judges; the improvement of political representation; and transparency in public administration so that democratic institutions are strengthened.

Poder Ciudadano has also been involved in a number of anti-corruption projects. The organization has previous experience in monitoring transparency in public contracting through the use of public hearings. One recent example is the public bidding for the design and construction of the “H Line” underground project in Buenos Aires, where Poder Ciudadano monitored the preparation and execution of a public hearing for the project worth US\$ 1.2 billion.

Selection

Poder Ciudadano developed this project because of its long-standing interest in anti-corruption work and its previous involvement with monitoring of public procurement. The organization was working on the establishment of the anti-corruption network in the greater Buenos Aires area, based on public hearings and, as a part of this wider project, it offered the Program for Transparent Contracting to a number of relevant municipalities. The Mayor of the county of Moron was, however, the only official who responded to Poder Ciudadano’s initiative. The implementation of the project was therefore the result of cooperation between Poder Ciudadano and the new Mayor of Moron. He invited the organization to carry out the project, thus giving a sign of his strong political will to curb corruption in the municipality.

Context and Background to the Program

The project was implemented in Moron, a county of some 350,000 inhabitants in the greater Buenos Aires area. In December 1999, a new local government headed by Martin Sabbatella undertook steps to reduce widespread corruption and increase citizens' participation in the decision making processes. This new strategy culminated with the publication of "Program for Transparency and Modernization of the Municipality," and the opening of an Anti-Corruption Office in December 2000. These programs were implemented to alleviate the negative legacy of the previous mayor who was widely associated with corrupt practices. An example of this is that, in the previous waste collection contract, the municipal officials were known to be the owners of the company chosen to deliver the waste collection service; this created an atmosphere of distrust and suspicion among the citizens.

The contracting of a waste collection service for the city was one of the most important management issues in Moron in 1999. In economic terms, the bid amounted to roughly US\$ 32 million, making it the most important contract for the municipality. When Poder Ciudadano offered their Program for Transparent Contracting to forty local governments in the Province of Buenos Aires, the mayor of Moron was the only one to express an interest in Poder Ciudadano monitoring the bidding for this public contracting process from start to finish.

Goals of the Project

The general objectives of the project were:

- to create a transparent environment for municipal bidding processes;
- to raise awareness of the general public about the available control mechanisms;
- to encourage citizen participation in public decision-making;
- to instill in the citizens the democratic habit of demanding accountability from public authorities; and
- to create confidence between public authorities, the private sector and civil society.

The specific objectives of the project were to involve citizens and bidders in the establishment of common rules for a public bidding process—by providing free access to the draft tender before the start of the bidding process; to encourage the municipal authorities to share information with the people affected by the contracting decision; to involve independent outsiders in the in-depth analysis of the tender; to discuss publicly the conditions of participation and selection in order to avoid designing a contract that gave undue advantage to specific bidders; to make the terms of the contract non-negotiable after it had been awarded; to enable the municipality to obtain the desired result at a competitive price and in accordance with the specifications; and to create conditions in which bidding companies would abstain from offering bribes in the bidding process, and by providing assurances that their competitors would also refrain from bribing.

The Program for Transparent Contracting

In March 2000, Poder Ciudadano signed an agreement with the Municipal Government of Moron. The document established the requirements for the implementation of the Program for Transparent Contracting. The program combined two anti-corruption tools: public hearings and an integrity pact.

The team of Poder Ciudadano consisted of only one full-time member—Christian Gruenberg—who could nevertheless count, if and when necessary, on logistical support and the resources available from his organization. Mr. Gruenberg worked to establish a good relationship with the mayor of Moron. They agreed that a media campaign should be launched announcing the implementation of the project (and the public hearing as its integral

part) and that all interested citizens should be invited to participate. Soon there were posters in Moron announcing the public hearing, and all local media were informed about the project. Poder Ciudadano could count on the interest of the local media in the project, since there was a history of corruption in public procurement in Moron, and since the new mayor made the curbing of this corruption one of his political priorities. Poder Ciudadano and the office of the mayor managed to get the desired attention of the local media.

The municipal authorities agreed to discuss the draft tender document with the bidders and interested citizens in an extraordinary session of the City Council held on June 15, 2000. Poder Ciudadano monitored the preparation of this public hearing to ensure that it was announced in several major national and local newspapers, on public radio and on TV, and that the participants were invited 30 days prior to the event. A group of independent local experts (lawyers, engineers, economists, etc.) proposed by Poder Ciudadano was invited to review the documents and present its opinions at the public hearing. Also, the draft bidding document was reviewed by one of Poder Ciudadano's partners, a legal expert from Chile well-known across Latin America, who suggested changes in the bidding document, and agreed to do this free of charge.

The major change that was proposed to be made was related to the provision that specified the quality of service that was being procured. In previous tenders, this specification was overshadowed by prescribed ways of achieving this quality of service, which opened the process to corruption, as the municipality could draft these prescriptions in order to hire "preferred" companies and contractors. However, if the form of delivery was not specified, the bid would simply be won by a bidder who would be able to offer the cheapest way of meeting the specified quality.

The draft tender was put on the web site of the municipality, and was available in print from the office of Poder Ciudadano. In the public hearing, the Mayor declared the municipality's commitment to conduct the bidding process in a transparent manner and invited all stakeholders involved in the process to proceed in the same way. Mr. Gruenberg presented the suggestions of the experts who reviewed the draft tender. By encouraging an open discussion of the draft tender document, the joint efforts of the Mayor and Poder Ciudadano created conditions that allowed the decision making body to receive the maximum amount of information possible, as well as the opinions of the people most affected by the decision. With an audience of nearly 500 people, and more than 60 individuals testifying, there was strong civic participation.

The results of the public hearing were quite significant. A consensus was reached that the tender lacked objective criteria detailing the quality of the service required by the municipality, as well as a clear definition of the prerequisites for participation in the process. As a result, significant changes were made in the draft tender in order to establish more objective criteria for participation and selection. The power of the municipality easily to disqualify proposals for formal reasons, or to make a decision according to vested interests, was thus minimized. The draft tender also omitted the specification of the form of the delivery of service (as explained above) and acknowledged the need for an independent arbitrator in cases of potential complaints made during the process. The process was also opened for participation of foreign companies (which had not been the case before, as the corrupt municipality officials tended to award the bids to their local cronies). Ten days after the public hearing, the municipality of Moron published the final tender on the Internet, explaining the changes made after the discussion process. As a result, three local firms and one international firm participated in the bidding under the conditions agreed.

The second phase of the project introduced the concept of the Integrity Pact. The Pact contained important mutual commitments made by the Municipality of Moron and the bidders, and included:

- a voluntary but formal commitment by the bidders not to bribe or collude; to make full disclosure of all payments; and to report any violations by other bidders during the bidding or during contract execution;
- a commitment to guarantee full transparency of documents; public disclosure of the award and the major elements in the evaluation of bids and the reasons for selecting the successful bidder; and resolution of any conflict by national arbitration;
- a corresponding commitment by the Mayor of Moron (on behalf of all officials in his office) not to demand or accept any bribes, and to prevent the extortion and acceptance of bribes by other officials;
- heavy sanctions by the government office against any official or bidder violating the non-bribery commitment, including damages to the municipality in the amount of 10% of the contract value and blacklisting for five years; and

All four bidders accepted the conditions stipulated by the Pact without objection, and signed the document in September 2000. Poder Ciudadano took on the monitoring role in the Integrity Pact, the bid evaluation, the award decision process, and the implementation of the contract.

Results of the Program

The results of the implementation of the corruption monitoring tool could be observed in several different areas.

First, the value of the contract was reduced by 35 percent. A Spanish company won the bidding process, and they offered better service for less money.

The monitoring process created a forum in which the bidders, external experts and the interested public presented comments and objections regarding the nature of the service wanted, and the terms for the bidding, before being confronted a decision. Also, some critical decisions about the service and the process of the bidding, like the need for an independent arbitrator, were made by consensus.

The involvement of citizens and external experts also resulted in the extension of the tender to include environmental concerns, including a recycling plan for the collected waste. This means that the participatory process yielded not only the reduction of the service costs, but also the improvement in its quality.

The signed integrity pact provided an important control mechanism for the losing bidders to monitor how the winning bidder addresses the terms of the contract, and it also established an independent arbitrator for cases of complaint.

The implementation of the Integrity Pact, in which the local media campaign was a very significant component, raised the citizens' awareness about the possibility of public oversight of public institutions and contributed to an increase in citizens' confidence and empowerment. It basically opened up a hitherto closed and stigmatized public institution to citizens' participation and empowered the citizens of Moron to monitor meeting the terms of the contract.

Management of the Program

The project was very successful, and has subsequently been referred to as “the Moron Case.” The Municipality of Moron applied a large set of transparency and trust-building mechanisms, and with the intervention of Poder Ciudadano and media coverage, the methodology applied in Moron has been recognized by many at the provincial level and in other municipalities of Buenos Aires Metropolitan Area as a model case. Poder Ciudadano has already been approached by other municipalities in the Metropolitan Area of Buenos Aires to replicate the methodology.

The important component in the overall success of the program is its low cost, both in terms of financial means and human resources. The project was basically implemented by one single person, with occasional back-up from other organization staff. It was also implemented for free—that is, the project was not funded as a project of Poder Ciudadano. This was only possible because the project objectives coincided entirely with the goals of Poder Ciudadano, so it could afford to fund it as part of its regular funded activities. Also, it helped that at the time of project implementation, Mr. Gruenberg was a fellow at the Ashoka foundation, an organization that sponsors social entrepreneurship and its practitioners. Finally, it was also crucial that Poder Ciudadano formed a strategic partnership with the new Mayor of Moron, whose interests significantly overlapped with the interests of the organization.

CASE STUDY 7:

Mazdoor Kisan Shakti Sangathan (MKSS), Rajasthan, India

Jansuvai Public Hearings and Right to Information Campaign

Executive Summary

Mazdoor Kisan Shakti Sangathan (MKSS) is an NGO based in the rural and most backward areas of the state of Rajasthan, India. The goal of this organization, whose name translates as the “Organization for the Power of Laborers and Farmers,” is to ensure the proper implementation of people’s rights, especially among the poor. Since 1994, MKSS has organized a series of participatory social audits, known as jansuvais, which provided a forum for participatory monitoring of performance of the local administration. MKSS also ran a campaign for access to information that ultimately led to the passing of the Right to Information Act on the state level. Both these actions contributed significantly to better transparency and accountability in the local administration. The work of MKSS served as a model for a number of similar projects and campaigns in other Indian states.

Background to the Organization

MKSS was founded in 1990 in the village of Devedungari, Rajasthan, one of the poorest and most backward areas in the state. This rural area is characterized by extremely high levels of illiteracy among the population, as well as environmental depletion and poverty. MKSS was founded as a response to the need of protecting the rights of the local population. In order to alleviate poverty and help the local population, the government initiated a number of relief and local development projects, such as the construction of roads and water tanks. However, it soon turned out that the supposed beneficiaries of these projects—the poor and the destitute of Rajasthan—were not being helped, as corruption and general lack of transparency that characterized the local administration impeded the payment of wages to the workers; the wages were often lower than the minimum wage and were not paid on time.

MKSS began as a local NGO that addressed the issue of worker’s wages. In addition, it was involved with addressing other issues relevant to the area, such as land ownership, market prices, sectarian violence and women’s rights. Because of its dedication to helping the local poor, and its uncompromising stand in the face of the local administration, MKSS soon won a strong membership and logistical organization among the locals. The landless poor and rural workers became the primary constituents and firm supporters of MKSS and its activities. One of the methods that MKSS used in this period was to organize peaceful strikes or sit-ins to force the local administration to pay the minimum wages on time to the workers.

MKSS is a voluntary member organization without any formal hierarchy. There is a loose central committee of twenty members, of which eight are permanently employed by MKSS. It is important to note that those members reside in the same area in which MKSS is active, and that they follow the lifestyles characteristic of their local constituents. This means that MKSS committee members live in mud huts, that they haul drinking water from afar, and share the general life experiences with the local population whom they are struggling hard to represent, empower, and introduce to political affairs. For these reasons, they have established credibility and managed to earn deep trust by the local population and their constituents and activists—semi-employed laborers, poor women and landless people from the lower strata of the Hindi caste hierarchy.

Selection

From its inception, MKSS has been dedicated to fighting for the rights of the poor. In this

sense, the jansuvais and the campaign for the right to information fits well with MKSS's agenda. Although MKSS has had no prior experience with monitoring, the series of jansuvais as a monitoring effort has been developed by the organization to tackle the major issue at the heart of its agenda: helping the rural poor through curbing corruption in the local administration and ensuring that their rights are respected by the local officials.

Context and background to the program

It has been pointed out above that MKSS started as a local organization with an agenda to help the workers fight for their rights in the face of the local administration. Soon, however, it turned out that this primary push for more accountability and transparency was connected to the right to information, which was still denied to the local population by the administration: when the workers asked to be paid on time and at the agreed sum (that did not violate the minimum wage act), they would be told that they had not done their work, and that that was the reason that they were not paid. When they demanded to see the work logs and other information pertaining to the work done, they would be denied access. Because of this, MKSS realized that a series of actions pertaining to the still denied right to information should be an integral part of their other actions that were aimed at demanding accountability, more transparency, and anti-corruption work. In order to do this, MKSS has, since 1994, organized a number of public hearings, called jansuvais, combined with the right-to-information campaign.

Goals of the project

The main goals of the project of jansuvais and the campaign to pass the Right to Information Act was to help the local population by monitoring, through a socially participatory tool, the expenditures of the local administration, its delivery on its promises and the respect for the workers' economic rights on the one hand, and to advocate for the passing of the Right to Information Act that would ultimately secure better transparency and curb corruption on the other. In addition to these main goals, the project also aimed at empowering the socially disenfranchised population and helping them claim their rights for themselves.

Program

Public hearings - *jansuvais*

A *jansuvai* is a participatory social hearing in which government officials are brought face to face with citizens in a public gathering. It is an opportunity to all people involved in local projects—be they government employees, wage earners working on development projects, or beneficiaries of the anti-poverty measures—to voice their opinions and experiences about those projects. More importantly, it is a chance for those people to ask questions about specific expenditures or failures to deliver, or testify about inconsistencies in publicly proclaimed expenditure plans and the reality on the ground. The first such public hearing was organized by MKSS in December of 1994.

Over the years, a number of jansuvais was organized in Rajasthan by MKSS. Before the actual social hearing, MKSS activists request the copies of documents relevant to the actual projects that are being undertaken in the area in which a jansuvai is held. It has often been difficult to get the documents, since there is a tradition in India of withholding such information (for example, until Indian independence, such matters were regulated by the Official Secrets Act) on the one hand, while on the other the local administrators often want to withhold information that would prove the existence of corruption and maladministration. However, sometimes through public pressure, other times through cooperation with sympathetic administrators, MKSS activists have also often been able to get into the possession of such documents.

Once the activists are in possession of documents indicating amounts allocated and spent on different parts of local development projects, as well as rosters of amounts of wages paid to workers, they convene a jansuvai. These public hearings present the locals with the forum through which they can monitor and control the performance of the local administration. It is very important that very often administrators and local government officials attend the jansuvais, which therefore become important sites for performance monitoring, control, and public demands for accountability. MKSS activists and interested individuals perform a number of different activities aimed at demanding accountability and monitoring the performance of the local administrators. They, for example, show the workers the wages rosters, read out the actual amounts (since the workers themselves are usually illiterate), and ask them if those numbers match the actual amounts that they have been paid; or sometimes drivers of camel carts—a popular mode of transport in mainly desert-covered Rajasthan—report on how many bags of cement were actually delivered to specific work sites. Through such activities, there most often emerges a picture of corruption and lack of delivery: sometimes, the names of dead people are found on the lists of wages; or the jansuvais are held in front of dilapidated public buildings (such as schools, for example), which, according to the documents that have been investigated, have just been renovated.

The structure of jansuvais is not very strict, and the purpose it serves is as much to empower the disenfranchised workers and the landless poor, as it is to demand accountability and exert significant pressure on the local administration officials. However, a surprising number of local politicians and bureaucrats actually do attend those public meetings, and, faced with proofs of corruption, maladministration and lack of transparency, are ready to answer questions. Even though such questions are rhetorical—as, for example, the signatures of those politicians are found on documents certifying the construction has been completed, even though it is obvious that it has not; or that some beneficiaries of anti-poverty programs meet the eligibility criteria, even though they certainly do not—politicians often attend those meetings and are confronted with the people who demand accountability. In a small number of cases, local politicians are known to have returned the loot they have collected through corrupt practices. One of the best achievements of MKSS has been to instill the idea among the local population that the local administration should be accountable to them and that they have the right to monitor its performance and demand information about it.

Advocacy/campaign

Parallel to the series of jansuvais, MKSS has organized a campaign across Rajasthan to demand the passing of the law securing the right to information. The chief minister of Rajasthan passed into law the “Right to Information” in the State Assembly during 1995. According to this law, citizens could, upon payment of a processing fee, demand and receive information about expenditures on the work done in the last five years in their villages, and the documents could be photocopied for possible use as evidence in the future. This was achieved after a series of strikes and nonviolent sit-ins in various parts of Rajasthan.

However, this law was full of loopholes and allowed the local officials to deny the relevant information to the applicants who wanted to get it. Also, the law did not cover all documents under its aegis. In 1996, MKSS organized another protest gathering in Rajasthan and demanded an amendment in the local government law code, to allow citizens to apply for certified photocopies of any document in local government offices. MKSS especially emphasized the need to include records of expenditure, such as bills, vouchers and muster rolls. At the same time, MKSS demanded the passing of the law that would regulate the availability of information in all spheres of governance. This strike was open-ended, and attracted a large following.

The law was amended. However, it took a sustained campaign until the Rajasthan State Right to Information Act was finally enacted in May 2000. Until then, MKSS was campaigning through *jansuvais* and nonviolent strikes.

Results of the Program

The combined series of *jansuvais* and the campaign for the right to information was quite successful.

On the one hand, *jansuvais* provided the local population in Rajasthan—most of which is destitute and disenfranchised—with an opportunity to unite and stand against the representatives of the local administration. MKSS managed to redefine the relationship between the local population and the local administration; while it was previously characterized by a one-way relationship, with the local population on the receiving end (and with this “reception” severely restricted), since the MKSS instituted the practice of *jansuvais*, the local population understood that it has a right to demand accountability and delivery of services that are ultimately meant to improve their life. The *jansuvais* proved that the local population has an interest in the ways in which the funds aimed at the development of Rajasthan are spent.

The *jansuvai* actions of MKSS benefited the government as well, as it understood that these forums could be a useful tool for control of corrupt local officials. Today, the state government has itself started organizing *jansuvais*, under the supervision of MKSS, in order to ensure the proper handling and use of public funds by its officials. In this way, MKSS has developed a generally good relationship with the government, who sees the organization as its partner in monitoring and curbing corruption and maladministration practices. Aruna Roy, a former member of the local administration and the leader of MKSS, was given the Magsaysay award (regarded as the Asian Nobel Prize) for her work in community leadership and understanding through MKSS.

On the other hand, MKSS led a successful campaign for the passing of the law that demanded right to information, which ultimately resulted in the change of legislation. Through this process, MKSS raised the awareness of the local population about their right to monitor and control the performance of the local administration, as well vehicle of inclusion and initiation into political participation of a significant number of previously passive population. It also significantly contributed to their empowerment and more confident assertion of their rights.

Management of the Program

In order to keep its independence from the government, MKSS does not accept its donations; rather, MKSS's programs are funded by private contributions. This, however, does not mean that MKSS does not want to develop a partnership with the government. On the contrary, as has been described above, the government has recognized the potential that MKSS has as a vehicle for monitoring the performance and curbing corruption of local officials that usually cannot be easily controlled by the central government.

An important factor of the MKSS *jansuvais* and campaign success story is the fact that the MKSS activists live with the local population and share their lifestyle. This has not only led to the establishment of credibility and trust, but also to the significant cutting of operation costs. A *jansuvai* is a local event, a gathering of locals organized by locals, and as such is not costly; and yet it has proven very effective. *as demand accountability from public officials. The campaign served as an important*

Case Study 8:
Uganda Debt Network (UDN), Uganda
Monitoring of Poverty Action Fund (PAF)
<http://www.udn.or.ug/>

Executive Summary

Uganda Debt Network (UDN) is an NGO network that started with a campaign for debt relief under the Highly Indebted Poor Countries (HIPC) Initiative of the World Bank and the International Monetary Fund. Since May 2000, UDN has implemented a grassroots project that aims to monitor the expenditure side of the Poverty Action Fund (PAF). The expenditure monitoring project has been combined with budget performance monitoring, anti-corruption campaign and advocacy for accountability and transparency, and its success has prompted similar initiatives in other neighboring countries.

Background to the Organization and Program

Uganda Debt Network (UDN) is an advocacy and lobbying coalition of NGOs (both local and international), academic, research and religious institutions, and individuals. It was established in 1996, as a result of civil society concerns about the level of Uganda's debt burden and its implications on the long-term economic and social development of the country. UDN now has over a hundred members, both institutions and individuals.

UDN's main purpose is to engage in advocacy and lobbying activities in order to influence the policy planning process, so that it favors the poor in Uganda. Since its formation, UDN has become a focal point and facilitator of the third sector in Uganda. Although UDN started by advocating debt relief, it has since become the voice of the poor and the marginalized. In addition to the debt relief campaign that was started in 1996, UDN works with communities to monitor and evaluate the quality and delivery of social services, analyses budget policies and their relevance to the poverty eradication goals, and organizes anti-corruption campaigns. UDN is also involved in policy analysis.

The mission of UDN is to promote and advocate for a participatory pro-poor policy process, prudent management of externally borrowed resources, productive and equitable use of national resources, accountability, and transparency.

The Poverty Action Fund (PAF) was established by the Government of Uganda in the 1997/98 fiscal year. The main function of PAF is the mobilization of additional resources to be spent in the social sector in order to alleviate poverty in the country. PAF provides funding to the Poverty Eradication Action Plan (PEAP) priority areas that are directly reducing poverty through either increasing the ability of the poor to raise their income, or improving the quality of life of the poor. The PAF-funded programs thus include primary education, health care, water and sanitation development, rural feeder roads maintenance, agriculture, micro-finance and restocking programs, as well as control of HIV/AIDS, pilot schemes for adult literacy, and enhancing efficiency in the judiciary system (clearance of the case backlog).

The main source of funding for PAF are the savings from the HIPC Debt Relief Initiative, but it also depends on contributions from various donors as well as the Government of Uganda's own resources. In the fiscal year 2002/03, which was its fifth year of operation, PAF contributed 36% of the national budget of Uganda. PAF resources are sent to the districts as conditional grants, and are supposed to be used according to the guidelines established by the Ministry of Finance, Planning and Economic Development.

Selection

UDN's decision to monitor the PAF is consistent with its activities, which include budget performance monitoring, fight against corruption, and advocacy for accountability and transparency. In addition, UDN had a past monitoring experience, and was qualified to undertake this project.

Goals of the Project

The main objective of the Monitoring of Poverty Action Fund (PAF) project is to ensure, by monitoring and controlling the process, that the funds designated by the Government of Uganda for the improvement of delivery of social services to the poorest communities actually reach the intended beneficiaries. In this way, UDN actually helps the Government implement its poverty alleviation measures, rather than police its efforts.

The specific goals of the project include introducing participatory monitoring and evaluation skills to local communities; developing a monitoring structure of people (Poverty Monitoring Committees, or PMCs) at the grassroots level, for continuous monitoring of utilization of PAF resources; developing a tool for monitoring and evaluating community poverty programs that takes into account the capacities of the people at the grassroots level; developing strategies, at the community level, for making available information about PAF; assisting the PMCs develop follow-up action plans; and drawing lessons for scaling up community-based monitoring and evaluation for replication elsewhere.

UDN's strategic goals include: ensuring that Uganda emerges from being a debt-burdened poor country and embarks on the road to sustainable development, growth and poverty eradication; ensuring that macro-economic and budget policies are participatory, and incorporating the concerns and interests of poor people; mobilizing the public to ensure public accountability and transparency in policy planning and formulation and the utilization of public resources; and ensuring that UDN becomes an effective lobbying and advocacy organization capable of mobilizing civil society to influence policy planning at national and local levels.

Program

Monitoring

In May 2000, UDN established Poverty Monitoring Committees (PMCs) in twelve districts in Uganda. PMCs are voluntary civil society groups whose main task is monitoring of PAF. The committees are composed of persons selected from various sections of civil society. These monitors include women, youth, people with disabilities, men, religious leaders, and the elderly. The monitors are trained in monitoring workshops organized by UDN. In effect, UDN established a wide and dense network of grass-roots level monitors, who are ultimately very successful in finding and addressing the leakages in the poverty-alleviation pipeline from the top down.

The monitoring process is continuous, and it is community-based. Initially, UDN took a periodic monitoring approach. UDN staff would move to a district, work with the local monitoring committee members, get results and share them with the community leaders, government officials at the local level, as well as other stakeholders. This approach, however, proved ineffective. The monitors resembled research assistants, and to a large extent did not feel that they were part of the process and that they contributed to the results of monitoring. The monitoring process was centralized and run by UDN, and hence it was the network that was the driving force behind the effort, and that in a way "owned" the results. However, the monitoring was for the benefit of the poor, and it seemed to UDN that a better approach would be if the main beneficiaries of PAF were better integrated into the

system and took more responsibility. The monitoring also had to be continuous, for only with constant monitoring could improvements and quality of service at the local level be observed. Every beneficiary of these services, every person had therefore to be a kind of monitor. It is for this reason that the Community Based Monitoring and Evaluation System (CBMES) was introduced.

The essence of CBMES is that monitoring committees were established at all levels, right from the village up to the district level. Information on service delivery, behavior and practices of civil servants, quality of service or goods provided were thus monitored every day. If a child reports that the teachers at his/her school are coming late or not engaging in class work, or that there are no textbooks, the parent as a monitor can try to verify and feed the information to the village committee. If a patient goes to the health center and finds no drugs, or is mistreated by the health worker, this information is fed to the committee. In other words, service delivery is monitored at all levels, and is immediately transmitted to the communal organs or relevant government bodies. Finally, a report is compiled, which the committee at that level will use to engage the local leaders for explanation and action, but also transmit it upwards into the system.

As a result, CBMES has proved more effective, as it makes monitoring a continuous activity, less costly, sustainable, community-owned and linked with everyday reality on the ground. It is empowering, as it takes a learning and action approach. It liberates the poor person and provides him/her with an alternative center for seeking redress. It is another opportunity for ensuring that the public servants indeed live up to their vocation—i.e., of being servants of the people.

It is important to note here one factor that has contributed to the overall success of this communal approach to monitoring: the policy of decentralization that the Government of Uganda has implemented since 1993. In that year, the Government of Uganda transformed the Resistance Councils of the National Resistance Movement into Local Councils. In 1997, the Local Government Act was enacted by Parliament to give effect to the decentralization and devolution of function, powers, and services from the center to the local communities. The primary objective was to ensure good governance and democratic participation in, and control of decision making by the people. Since these changes, the local planning of PAF priorities has been a participatory process, and it was only logical to monitor the community-influenced PAF effort by a network of community-based monitors. An important consequence of this decentralization, coupled with the community-based monitoring approach, has emerged in the shape of meetings between the monitors and community leaders and government officials at various levels. UDN started facilitating dialogue meetings through which the monitors present their findings, and the leaders have to provide answers on the questionable areas. Dialogues are to a large extent like public hearings. The monitors present their case and the public leaders are supposed to respond to the points, and agree on the way forward. If no agreement is reached, there are other courses of action such as appealing to the higher level of government for action.

Advocacy

UDN has also linked PAF monitoring with the anti-corruption campaign that it has been implementing for some time, and also with some other advocacy projects as well, such as, for example, advocacy for accountability and transparency. In other words, UDN has been able to use the infrastructure in the form of the decentralized network of PMCs for other related goals as well. This has resulted in curbing the levels of corruption in the districts where monitoring has been instituted.

UDN has also created a larger audience for the monitoring project through sponsoring various radio shows run by community monitors. UDN has been sponsoring three radio programs run by the community monitors. The programs, which run weekly, are live phone-

in talk shows. The monitors agree in advance with the moderator on the topic for discussion arising out of their monitoring. The listeners phone in, and the monitors answer the questions or register the complaints. The questions and complaints are normally about the local governments failing to deliver according to plans or promises, etc. It is important to understand that sponsoring weekly one-hour programs on local radio stations in Uganda is not very expensive, and the benefit is much higher than the cost. For example, one such program that UDN sponsors on one of the local stations costs \$30, and reaches quite a lot of people in that rural area.

In this way, and also by holding press conferences and working with the electronic and print media, UDN has created a tool by which it informs the people about their PAF monitoring project, but also receives important feedback. The media has also served as important venues for other related campaigns that have been mentioned above.

Results of the Program

In the meetings of UDN with Ugandan MPs, government officials, development partners and various stakeholders, the CBMES concept and the PAF monitoring done by UDN was embraced as the right way of engaging civil society in an effort to monitor the public services delivery and fight poverty. One of the strong recommendations passed at the meetings was that the CBMES needed to be adopted by government and various stakeholders as one of the approaches for fighting poverty.

The CBMES model was appreciated as an appropriate approach for empowering and involving local community to monitor development programs in their areas. As one Member of Parliament put it, “the CBMES is an instrument of empowerment. No instrument can do more work than this in empowering people. The CBMES is a stimulus for development.”

The role of civil society structures in monitoring was commended as a means of complimenting government’s efforts in ensuring proper service delivery at local government levels.

UDN has empowered PMCs to the level that they can now carry out the monitoring of PAF on their own. This is cost effective in terms of empowering local communities with skills to own the process as direct beneficiaries. PMCs are provided with data capture forms and monitoring tools to facilitate their monitoring. Some PMCs can now compile a report of findings on their own.

The PMCs are now appreciating their role by mobilizing civil society in their districts to support the programs and develop actions against corruption. They have also committed themselves to disseminating PAF and other pertinent information in their areas of jurisdiction as a way of increasing awareness of the programs. This is likely to increase transparency and accountability among society in future in line with effective implementation of PAF resources. This has increased the number of PAF constituents who are eager to participate in the process.

In effect, UDN has created a wide network of monitors that it is now able to use not just for effective PAF monitoring, but also for a number of other activities in its priority areas of activity, such as budget performance monitoring, anti-corruption campaign and advocacy for accountability and transparency.

Management of the Program

The PAF monitoring project created a decentralized and voluntary network of monitors. One of the major strengths of the project, in terms of its sustainability, is that the monitors

themselves are the beneficiaries of the government programs that they monitor, so it is in their interest that the government delivers. The program is funded by a number of international donor organizations.

CASE STUDY 9:

People's Movement "Resistance," (OTPOR!) Serbia

Customs Monitoring

Executive Summary

People's Movement "Resistance" (PMR) or OTPOR! was a grassroots movement that helped mobilize the public to vote the Milošević regime out of office on September 24, 2000. Through its diverse, innovative and frequent grassroots and local-level activities, PMR worked, both during the Milošević regime and afterwards, on raising public awareness about, among other things, issues of corruption and maladministration. In late 2001, PMR commenced a six-month customs monitoring project, tackling the issue of corruption in the federal customs service, which was widely perceived by the population to be one of the most corrupt services in the country. The success of the project was that it was the first such project to tackle this important issue; it opened a possibility of other NGO devising their own monitoring projects; and it established formal lines of communication with relevant authorities that institutionalized the anti-corruption tool that was able to last beyond the formal duration of the project.

Background to the Organization

People's Movement Resistance (PMR) grew out of a student movement that led the massive anti-government protests in 1996-97 against the falsification of election results. Formally established in 1998, PMR grew into a massive grassroots movement of young people at first, and all segments of society at the height of its anti-Milošević campaign in the year preceding the presidential elections of September 2000, when Milošević was finally defeated.

Since October 2000, with a democratic political order in place, PMR turned its attention to most important areas of reform that would need to take place to transform Serbia into a functioning democratic state. As is the case in other post-socialist states, corruption is one of the key challenges in this process.

Coming out of the anti-Milošević struggle, PMR as an organization had a fairly unique set of structure and set of experiences that set it apart from most traditional NGOs in Serbia and elsewhere. PMR was an organization with a large number of young volunteer activists forming a broad network throughout Serbia. Its primary activities had been numerous inventive educational and public awareness campaigns and events for citizens of Serbia, intended to generate broad public resistance to Milošević's rule, and advocating the fall 2000 elections as the moment to confront and defeat the regime. Within this network, there had been established a number of local legal-aid centers staffed by volunteer lawyers who had been active in the previous period in giving legal advice and defending the rights of PMR activists and ordinary citizens who were harassed and brutalized by the Milošević regime. PMR became associated with most uncompromised fighters against the regime, and were, at the months before and following Milošević's ouster, widely held as the most trusted organization in the country. In addition to this public trust that became its most cherished asset before the fall of Milošević, PMR developed a strong organizational structure that was based on the system of a large number of cells. Because a high-profile leadership would have been an easy target to the regime that did not shy away from murdering its political opponents, PMR emerged as an organization without a strong, centralized, or even visible hierarchy; instead, its numerous decentralized cells concentrated their energy on activities at the local level, which were carried out by prominent and well-supported local activists who knew best the specific local problems. It was this ability to present itself as the organization that could deal with urgent local problems (most often corruption) that won PMR the trust of

all segments of the population in Serbia.

Country Context and Background to the Program

The breakup of Yugoslavia and the ensuing political and economic degradation resulted in the weakening of public services, including low salaries for public servants. Huge bureaucratic and complex procedures meant that customs officials enjoyed considerable discretion in administering customs regulations, which was a very fertile soil for the growth of the corruption.

The problems in the domain of the so-called “gray economy”—smuggling, corruption and organized crime—received a major impetus during the regime of Slobodan Milošević. With the introduction of the economic sanctions against the Federal Republic of Yugoslavia (FRY, a successor state to socialist Yugoslavia, consisting of Serbia and Montenegro, but largely dominated by Milošević) on May 31, 1992 and the isolation of FRY by the international community, the inner legal order was manipulated towards the needs of the regime cronies. The result was that the principle of “suitability” rather than a strict adherence to the rule of law, became primary. Thus not every violation of law was characterized as a crime, and not every crime was prosecuted.

The UN embargo had to be violated if the country was to survive (oil, for example, had to be smuggled into the country so that the economy could at least pretend to function). In the situation in which the law was practically suspended, organized crime and the regime cronies (the two groups that overlapped and most often consisted of the same people) took over the smuggling operation. In effect, parts of the organized crime took over state functions, and ran the entire clandestine programs of exports and imports. Because of this, the whole customs service—from the border policemen to the head of the customs service—were contaminated by large-scale corruption. To a significant extent, Milošević’s war effort in Bosnia-Herzegovina, and even more in Kosovo, was financed from this smuggling.

Selection

In the criminalized economy of FRY, dominated by Milošević and people close to his regime, corruption at all levels became its most resented and most problematic aspect. Corruption in the customs service was widely perceived to be rampant (which it indeed was) and was used as a source of financing for the many criminal policies of the regime. PMR, as a civil society organization that was running public awareness projects and a number of local anti-corruption activities, as well as the organization that enjoyed widespread credibility among the various strata of the population, decided to organize the customs monitoring project because it fitted well with its strategic objective—the establishment of a democratic, transparent, and accountable government.

Goals of the Project

The main goal of the Customs Monitoring Project was to institute a monitoring tool that would significantly contribute to the curbing of corruption in the customs service. PMR also aimed at raising the awareness of the public population about the problem of corruption (which, however, was already quite high at the time when the project commenced).

The Customs Monitoring Project

The Serbian customs monitoring project was initiated more than a year after the democratic changes in Serbia of October 2000. This period of transition was characterized by an increase in financial and tax discipline, but a persistence in the contamination of the customs area.

Public opinion research conducted in Serbia in 2001 revealed the customs area to be identified as corrupt by the largest percentage of those surveyed (84%). Against this background, in September 2001, PMR launched an all-inclusive media and educative campaign about the problem of corruption in Serbian society as a special challenge towards the building of a modern and advanced democratic society, especially considering the scope and size of its presence in our everyday social and economic life in Serbia.

With a strong media campaign, forums and lectures on corruption, opening of SOS anti corruption telephone lines, forming an Anti Corruption Council, forming of anti corruption teams (PMR members and lawyers) in the movement local offices in the country, PMR aimed to place the corruption problem at the very top of priorities for solving in the domestic public, which has in turn increased the pressure on the public authorities to focus on elaborating systemic solutions as well as methods for the fight against the corruption.

At the end of October, 2001, PMR's Anti Corruption Council identified the issue of corruption in customs as one of the priority areas in the fight against corruption and elaborated a draft on possible prevention solution of smuggling goods and reduction of customs violations during the import and export. The reduction of the size of the black market and redirection of this money into the legal institutions would mean not only strengthening the rule of law in Serbia, but also increasing of the state budget from the customs duties and tariffs.

PMR first contacted the Federal Customs Bureau and then Serbian Interior Ministry (the police) and Serbian Public Revenue Bureau without whose cooperation, the project could not be carried out. Because of PMR's highly respected standing in society and an eagerness to demonstrate a strong political will to fight corruption, these agencies reached an agreement on joint cooperation, including forming joint field monitoring teams.

PMR's primary tasks were the following: to draw public attention to the importance of the project, to present the achieved results at regular press conferences, and to work together with the Federal Customs Bureau and Serbian Interior Ministry members to realize the objectives outlined below.

The project rested on a simple idea to control the goods during the import stage. Namely, the key point in this chain of illegal import is the position of the customs officer who controls the imported goods according to their quality, quantity and shape; he or she then makes a document about the goods in accordance with the inspection results. The project envisioned forming a group for central management of information and operations ("Center") and a number of field monitoring teams consisting of Federal Customs Bureau members, Serbian Interior Ministry members and PMR activists.

This new framework of communication would open a new possibility for a more thorough control of goods, since the existing framework was plagued by a number of logistical loopholes. For example, customs officers did not have the authority to stop vehicles beyond the border crossing, while the police members who were authorized to control the documentation elsewhere in the state did not actually have the right to examine whether the nature and quantity of the goods transported corresponds to the documents. The idea was to close this procedural loophole through tighter communication and cooperation of the agencies, pending a formal amendment of the regulations by establishing close communication between the two authorities.

Because it is impossible to control all the goods transported through Serbia, the working group decided to cover only approximately 3% of the imported goods (this sample was determined through analyses of the Center group and the analyses of samples, i.e. on the grounds of operative and analytical data). Spot checks were carried out by joint field monitoring units composed of customs agents, police officers, and PMR activists.

The very establishment of these procedures that closed the cross-referencing loophole yielded the effect of reducing corruption among customs officers who may have previously participated in the illegal trade: since the customs documentation has the signature of the custom officer, the name of the company in the import business, every intercepted irregularity identified concrete 'players' in the illegal trade. Thus, with the threat of being easily identified in wrongdoing, a significantly smaller number of customs officers were willing to risk their job by participating in the illegal business; by extension, it also reduced the number of import companies and transport agencies who were willing to risk closure and arrest of their owners by engaging in smuggling.

The project was carried out over a six month period, and envisioned two separate aspects of data collection. The first involved researching the most common patterns and mechanisms for smuggling. This data would inform the selection process of border points, types of shipments, and the circumstances requiring more thorough checks by joint monitoring teams composed of Federal Customs Bureau members, Serbian Interior Ministry members and PMR activists. Researchers involved in the project contacted transport agencies, small import-export firms, small merchants, and other parties whose interest are damaged by the illegal smuggling. For example, transport agencies who do not bribe customs officials may be subject to longer queues and stricter controls than the smuggler, thus operating at a reduced efficiency and realizing smaller profits. Another example are legal import-exporters and small merchants who trade in goods that have been subjected to excise taxes are obliged to sell them at higher prices than the competitors who obtain goods without paying taxes.

Once the project had been publicly promoted, PMR also noted an increase in persons affected and other interested parties (e.g. former customs officers) taking the initiative to contact them in order to share additional information about the illegal methods that they have witnessed.

The information obtained was systematized and compiled into useful guidelines and alerts for the joint monitoring teams and customs officials in general for their daily operational work.

The second phase of data collection took place as monitoring teams began intercepting shipments and identifying irregularities. The data obtained included falsified purchase/shipping orders, customs declarations, etc., and uncovered additional information, which, when investigated further, revealed phantom firms issuing purchase orders and/or receipts and other wrongdoing. The data obtained was forwarded to the law enforcement authorities responsible for conducting criminal investigations, which then took further appropriate measures to sanction individuals and firms engaged in these illegal enterprises.

Results

The most important aspect of the project was the establishment of communication channels between the various agencies who were thus enabled to carry out more effective governmental monitoring of the import/export process. While the results of the daily joint monitoring exchanged information through the Center, which included PMR activists, such exchanges, once instituted, would continue to function beyond the duration of the project.

Of course, formal amendments to regulations and operational procedures would need to be made in order to secure permanent cooperation of the relevant agencies and further progress in curbing illegal trade. Additional resources, equipment, and other material support would be required to achieve lasting change. This project was intended to generate momentum in this direction, but long-term reform would need to be moved further along by the authorities themselves.

A key element of the project was the regular public presentations of the project implementation and progress, generating additional public support and information that strengthened the team's ability to uncover wrongdoing. PMR's reputation greatly contributed to the positive reception of the initiative.

The cost of monitoring teams operating 24 hours a day are significant, and they increase proportionally with the size of the territory covered and will thus differ from country to country. There are human resource requirements for establishing the volunteer teams, who must also have their operational costs met. In this respect, such projects cannot be carried out for a longer term. The purpose was to review the system for loopholes and offer proposals on systemic reform. The ultimate success of the initiative will be evaluated on the extent to which the authorities permanently reform their own operating procedures to take into account the lessons learned.

In conclusion, it must be emphasized once again that a project of this scope and nature cannot be undertaken without the interest and cooperation of the relevant authorities, nor can long-term impact be achieved without their political will and commitment to reform.