

Creating the Institutional Support for Successful Anti-Corruption Campaigns

Thusitha Pilapitiya

Casals & Associates

This paper discusses reform required at the institutional level for a successful anti-corruption campaign including establishing the necessary mechanisms, providing safeguards, and training for officials and the public. The paper will also discuss the role that the local media can play and will conclude by focusing on how to avoid unsatisfied expectations.

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Executive Summary

There are a number of elements necessary for a successful anti-corruption campaign. Creating institutional support for the campaign is one of these critical elements. Getting the message across to the masses that corruption is evil, and must be resisted at all times, without preparing the institutions and public officials who run them on how to receive and act on complaints of corruption is like conducting a massive advertising campaign for a particular product before the product is freely available on all market shelves.

In an era of limited resources and even donor fatigue, it is imperative to maximize donor and indeed government resources that are used to fight corruption. As intense anti-corruption activities have now been ongoing for over two decades, and awareness campaigns have been run in almost every country in the world, one can surmise that the ordinary citizen is aware that corruption is to be resisted. Therefore, it is now necessary to accompany the message that corruption is bad, immoral, the cost of a corrupt act is far more than the simple bribe paid, affects the economy and growth of a country, with messages on how and where to report instances of corruption, and what a citizen can expect government and non-government institutions to do about such complaints, and the accused officials. The awareness campaign must therefore, not only contain information of what constitutes an act of corruption, but also what the citizen must do when faced with such corruption.

To prevent corruption, there must also be strong institutions to accept complaints and act on them. Messaging must include not only awareness but also how to report and act when faced with corruption. If people are encouraged to report, but they don't know how to report and where to report, the messaging loses its effectiveness. Therefore, institutions such as anti-corruption bureaus must be fully operational so that people who try to report are not disillusioned when they find out they cannot report, or nothing is done when they do report.

If the public messaging encourages reporting, there must also be serious safeguards against those who report. Whistleblower Protection Acts must be in place. The messaging will be meaningless if someone who reports as a result of the messaging is hurt in any way by officials. Applying the principles of the human rights based approach to development, public awareness campaigns must be accompanied by training programs for all duty bearers, i.e. those who have a duty to provide corrupt-free services to the public. Therefore, a public awareness campaign will not succeed in isolation, if duty bearers are also not trained on their duties and the rights of those who approach them for services.

At the same time, public awareness campaigns that create bottom up pressures are extremely useful to also create political will and administrative support for the fight against corruption. It is now accepted by everyone that political will is a necessary component for creating institutional space. Condoning of officials guilty of any form of corruption by the political leaders can neutralize the most well thought of anti-corruption campaign. Therefore, understanding of and support by political leaders of a campaign is essential. Political will is treated as a cross cutting theme in this paper as this applies to the whole concept of institutional support.

International conventions and donors often require developing countries to establish Anti corruption bureaus. Establishing these institutions without the complete commitment of the executive does not help in realistically achieving anti-corruption objectives. Therefore, there

needs to be political will at the highest level in establishing such institutions. At least in theory such political will could be created by popular support. Democratic leaders depend on the good will of the populace to be elected, stay in power, and be re-elected. Public awareness campaigns can help the citizens to compel such commitment from their leaders especially when supported by civil society mechanisms and media.

Applying the principles of the Human Rights Approach to Development as defined by the United Nations, the awareness campaign must not only target citizens or right holders but also prepare the officials and institutions who are the duty bearers having a duty to not only serve citizens without resorting to rent seeking, but also help those who have been affected by corrupt duty bearers or officials.

A close examination of the United Nations Convention on Anti Corruption (UNCAC) would reveal that each section places a duty on officials to provide corrupt free services, and on citizens not to succumb to corruption. As such, anti corruption campaigns must also take in to account that not only citizens but institutions too should be ready to act upon such campaigns.

In some countries civil society mechanisms are weak and media not well developed. In such instances, international assistance can be used to strengthen civil society and media so that political will can be created or strengthened according to the situation in each country.

Establishing the mechanisms

Establishing the mechanisms depends on the constitution of a particular country. An anti-corruption institution (AII) can be generally created through the constitution itself of a country, through an Act of Parliament, or by executive decree. The act should set out the procedure for the establishment of the institution, its powers, operation, and its relationships with other governance institutions of the country. In general, an AII is an independent and impartial body established by this Act. The Act would set out how the AII is to be staffed, the method of appointing the staff, their tenure, and powers and duties.

Typically the tasks of an AII would be as follows:

- receive, initiate and investigate allegations of corruption;
- decide whether an allegation should be investigated and whether the investigation should be carried out by the Commission or any other authority;
- consult, co-operate and exchange information with other bodies or authorities that investigate corrupt practices;
- investigate the conduct of any person (whether from the public or private sector) who may be connected with corrupt practices;
- gather evidence;
- make referrals to the Prosecutor General in instances where it appears that an offence of corrupt practice has been committed;
- take measures to prevent corruption in public and private organizations, which includes:
 - examining the systems, practices and procedures of these organizations to limit the opportunity for corruption to occur;
 - advising them on the prevention of corruption;
 - educating the public on the evil and cost of corruption; and
 - enlisting public support in the fight against corruption.
- educate the public on the functions of the Commission.

As such an AII is a powerful tool to fight corruption. When a country establishes an AII, it is useful and usual to have a public awareness campaign about the AII, and how citizens can make complaints to the AII. At that time, the AII must be strengthened sufficiently to anticipate and receive complaints and questions from the public and act upon them.

During the establishment of the AII, the AII must have its own communication strategies that would complement the public awareness campaign. The communication strategy must have elements relating to methods for accepting complaints, take action, and provide feedback to the public to provide the necessary institutional support for a successful public awareness campaign.

Another way is by amending already existing legislation such as a Police Services Act, or a Local Government Act to create or strengthen special branches that would deal with complaints on corruption. For example, institutions that need to be instituted include new branches within existing oversight and enforcement institutions in the government such as the Police Service, Ombudsman offices, parliamentary committees, audit institutions, government ministries and local government offices. In the absence of an Anti-Corruption organization, or a fledgling and weak organization, it is imperative for strong mechanisms for complaints to be built within these existing institutions at a minimum.

It is ironic that the police who are thought of as a corrupt organization in many countries are also in charge of investigating corruption. Before the establishment of the Anti Corruption Bureau of Malawi, the Malawi police had a branch to investigate complaints on corruption. The officials were not trained, and were part of the problem more than the solution. FBI of the US and Scotland Yard of England probed corruption within the police service of Trinidad in 2007. In Israel, when corruption is uncovered, police investigate and if sufficient evidence is collected suspects are brought before the courts, and if found guilty, they are given appropriate punishment, and the system appears to work. If the police are involved in fighting corruption, it is essential to completely train the police so they are able to support and satisfy public expectations.

"I am proud to be a citizen of a country where the prime minister can be investigated like a regular citizen. It is the duty of the police to investigate, and the duty of the prosecution to instruct the police. The prime minister is not above the law."

Israeli Prime Minister, Ehud Olmert, on announcing his resignation over allegations of corruption.

The American Heritage dictionary defines Ombudsman as a man who investigates complaints and mediates fair settlements, especially between aggrieved parties such as consumers or students and an institution or organization, and/or a government official, especially in Scandinavian countries, who investigates citizens' complaints against the government or its functionaries. As such strengthening an already existing ombudsman's office to deal specifically with issues of corruption or creating one would provide significant institutional support to fighting corruption where citizens may look for an institution to make their complaints. In some countries, such as in Sweden, UK, Norway, Finland, Sri Lanka, the parliamentary ombudsman is given legislative powers to ensure that courts of law and other agencies as well as the public officials they employ (and also anyone else whose work involves the exercise of public authority) comply with laws and statutes and fulfil their obligations in all other respects. Strengthening the ombudsman's office to provide support includes legislation that gives it specific powers on how to deal with complaints, and guidelines on its role to take the complaint forward through investigative, oversight, regulatory, and punitive institutions. The ombudsman experience is particularly powerful in Scandinavian countries, while in Sri Lanka it is lesser known due to its lack of

enforcement powers. However, it is an institution that is valuable to provide advisor services to citizens within a public awareness campaign.

In parliamentary democracies with a developed or developing committee system, a parliamentary committee on anti-corruption is another mechanism to provide institutional support within a public awareness campaign. A strong anti-corruption committee can not only provide support to citizens who can write to the committee and make representations, but also to help create the political will to pass anti-corruption legislation. The campaign planners can involve members of the committee from the planning stage, and also find catalysts who would be willing to interact closely with the public. Where there is no AII, or legislation, the anti-corruption committee can be a strong tool to push for such legislation and the creation of an AII.

Creating and strengthening oversight bodies such as supreme audit institutions, procurement oversight bodies, consumer protection agencies, and other regulatory bodies that oversee the conduct of business, are other institutional mechanisms that can support public awareness campaigns on anti corruption. Among these, a strong and independent audit institution is critical to properly investigate any financial misdeeds by officials that have been brought to light as a result of informed citizens activated through a campaign. Corrupt or inefficient audit institutions can cancel the effects of a campaign with citizens whose expectations are not realized.

National and local government institutions have a critical role to play in provide institutional support to a campaign. Ministries, especially those providing basic services such as education and health can create their own sections for fighting corruption, and where citizens can complain. For example, in a public awareness campaign on fighting corruption in hospitals, a ministry of health can create a special hot line to which people can call when faced with corrupt hospital employees. The ministry can then investigate such cases, and have a mechanism to present the case for example to be prosecuted by the country's courts. A success story of a health ministry fighting corruption comes from Iraq. Such examples of fearless commitment by government ministries can create confidence in the mind of the public, and strengthen awareness campaigns.

IRAQ: Health Ministry fights corruption

In 2004, following months of rumors, police arrested several people on suspicion of stealing US \$10 million worth of medicine and selling it on the black market, the new inspector-general at the Ministry of Health told IRIN in Baghdad. Medicine bought for hospitals earlier this year seemed to disappear quickly, said Adel Abdullah Muhsin, the new inspector-general. US administrator Paul Bremer recently named independent inspector-generals in all Iraqi ministries to investigate allegations of corruption and kickbacks.

Despite the ministry's virtually non-existent inventory system, Muhsin enlisted 60 pharmacists across the country to help him find the missing drugs. The pharmacists quickly came back with their verdict - medicine was stolen from warehouses, it was stolen from hospitals, it was even stolen on its way to patients, he said.

"As long as there is a wide difference in price, the traffickers will make plans to sell drugs," he added. Now, officials will build an inventory system from scratch to try and solve the problem, said Ahmed al-Talibi, director-general of Kimadia, the state company for drugs and medical appliances in the Ministry of Health.

Because there were so many rumours that medical equipment and drugs were stolen, the Lifeline, Relief in Crisis, NGO decided to help the Ministry of Health create an inventory system, said Branko Dubajic, programme coordinator. But even though he worked on the project for 14 months, he got nowhere, he said.

Investigating the corruption has been very dangerous to health officials, according to al-Talibi. His car has been hit by gunmen twice, his driver still recuperating from being shot in the leg. He added that his life had been threatened three further times by people he says who "don't like to see changes".

<http://www.health-now.org/site/article.php?articleId=270&menuId=1>

Local governments, due to their close proximity to people can also play an active institutional role in public awareness campaigns to fight corruption and is critical to the success of a campaign against corruption and has an impact on how even the national government is perceived. “The reputation and governability of national government will be undermined heavily by the widespread local corruption. If national government and its top leaders can not combat local corruption effectively, the public will label the whole government as ‘corrupt’ and ‘incapable’ government. Once the national government wins the bad reputation of ‘corruption’, the public dissatisfaction and even the outrage will focus on national government which will pose a great threat to the rule of top leaders. The governability of national government will also be weakened by the local corruption. The corrupted officials prefer to implement national policies selectively in terms of the influence of these policies on their own interests. This situation comprised the smooth implementation of national policies in the whole country. Meanwhile, local people will also provide less support and co-operation to the enforcement of government policies due to their declining trust on government. All of these factors contribute to the worsening reputation and governability of national government and its leaders”¹. In this scenario, it is critical to create or strengthen institutions at the local government level to support anti-corruption and public awareness campaigns on fighting corruption.

In certain flexible situation, especially at the local level, informal mechanisms can be utilized such as use of the Village Chief or traditional leader apparatus. For example, in Afghanistan, where drug related corruption is a major source of corruption due to the poppy farming industry in areas not easily accessible by the formal government apparatus, traditional leaders need to take upon the responsibility of fighting corruption at the local level, and become an accessible source for The key issue is for citizens to have a credible and efficient forum where they can take their anti-corruption complaints as a result of awareness built through an anti-corruption campaign. In Africa, a well trained and committed Village Chief can legitimize public awareness on corruption at the very grassroots level by providing an accessible institutional mechanisms to help the people of the village.

Even where there is a strong AII, development of anti-corruption mechanisms within such institutions is still necessary and useful. However, clear institutional guidelines need to be developed how these institutions will work with each other. If not, competition between the organizations will lead to confusion among the public, and a possible breakdown in the whole regulatory system.

Catalysts are critical. If the public awareness campaign takes place at the local level, catalysts in local government institutions are critical to establish institutional support. If the public awareness campaign is at the national level, then it is critical to have leaders in the anti-corruption institution, judiciary, police, and other institutions that would be involved in accepting reports, and dealing with them to be committed and serious about dealing with corruption.

Legal specialists who are drafting the laws and regulations for these institutions are also critical in this fight, as are the lawyers who will be prosecuting and defending corruption cases. The judiciary needs to be impartial and above political interference where the executive has a pivotal role to play. A citizen taking a case on corruption to the courts without the lawyers and an

¹ Prof. Zengke He: Fighting against local corruption through institutional innovations in current China, www.indiana.edu/~workshop/colloquia/papers/local_corruption.pdf

impartial judiciary fully backing him in this efforts, would negate most of the momentum created by a well thought out and professional public awareness campaign. As such the judiciary is an important institution that can support an anti-awareness campaign by bringing to life the principles that were imparted to the general public during the campaign.

Public interest litigation is also important as a mechanism to secure institutional support. Many courts around the world are now supporting public interest litigation and being liberal about the establishment of locus standi² by a plaintiff or a defendant, which is the first hurdle to be overcome in a public interest litigation action. For example, if there is widespread corruption in the municipality leading to dumping of waste in a river, and the municipality is ignoring due to the being paid off by the company who is dumping the waste, a group of concerned and informed citizens who have benefitted from a public awareness campaign can file a case against the municipality for corruption (as well as for environmental damage)³. In such a case, the court needs to be sensitized to public interest litigation, and allow for the case to be filed, impartially judge without being influenced by the municipality, so that the public awareness campaign can fully take effect with satisfied citizens.

Providing institutional safeguards

Citizens who are encouraged to resist and report corruption often do so at great risk. Many awareness campaigns encourage citizens to resist corruption by the local elite and local officials such as the police. Even one such person getting hurt can negatively affect the public awareness campaign more than any other setback.

While public interest litigation is one way to safely complain against powerful officials through safety in numbers, other safeguards must also be provided to the citizens. There must be strong political will not to interfere in such instances to protect errant officers such as in the police, government institutions, judiciary or anywhere else. Senior officials must support the citizens and institutions in their efforts. Institutions must have clear and rigid laws and regulations to deal with interferences by political leaders or any kind of power broker as well as insubordination by lower level officials.

Institutional safeguards also include developing clear and strong internal mechanisms within the oversight and enforcement institutions. Transparent and impartial performance appraisal systems within the hierarchy must be in place and stringently applied to all employees within the institution. Many government institutions promote staff based upon the number of years served without attention to performance, and as such these systems need to be radically reformed. Corruption must be clearly identified as performance criteria so that officials are clearly aware of the repercussions of corrupt acts on their future career. Such safeguards will compel officials to be more responsive to their duties that have been articulated to the public through awareness campaigns. Bar associations and judicial commissions that oversee the ethics of lawyers and judges must also apply such rules and regulations to their member lawyers and judges when extending membership in the bar or the judiciary, or being appointed or elected as office bearers

² In the common law and under many statutes locus standi is the ability of a party to demonstrate to a court of law sufficient connection to and harm from action challenged or a law, to support that party's participation in the case.

³ Blantyre City Council, Malawi, 2007/08

taking in to account their record in involvement, or on a positive note in helping the public to fight corruption.

Some countries now have Whistleblower Protection legislation that lay down clear guidelines for the protection of complainants and punishment for those who violate these sections. “With inspiring exceptions since 2007, a primary obstacle to helping corporate whistleblowers has been dysfunctional legal whistleblower protections, which lead down a treacherous gauntlet of obstacles that could sabotage justice⁴”. In the US, Congress has passed best practices laws for specific corporate whistleblowers, including ground transportation workers, defense contractors, and an estimated twenty million employees connected with manufacture and sale⁵. However, many countries find it difficult to pass such legislation with high level interest groups blocking such laws. In India, despite enormous pressure from civil society groups, especially after the murder of Satyendra Kumar Dubey⁶, the Whistle blower Act has not yet been passed in parliament⁷. However, one method to build popular support for passing such laws can be the subject and goal of public awareness campaigns as has been the case in India after Dubey’s murder.

Media can also play a part to provide such safeguards as a watchdog institution. For example, in cases of retribution to a citizen for complaining against corruption involving a police officer, by highlighting and reporting on the case in a fair and consistent manner, the media can act as a watchdog to safeguard the citizen who reported and the public. Media also has an institutional duty to follow up on corruption stories and work alongside the public in exposing corrupt officials. Media can also provide a safeguard to the public against politicians who may try to cover up instances of corruption committed by them, as well as intimidate public to support an official for whom they are trying to cover up.

The other safeguard that can be provided to citizens fighting to ensure effective culmination of punishment of wrongdoers is civil society. Civil Society Organizations (CSOs) and especially grassroots institutions are more easily accessible to the public who either wish to complain, or be protected after lodging a complaint. CSOs can also provide a safe interface between citizens who are often powerless and the powerful elites that they may be complaining against.

Different approaches will be required in a country where Media and CSO operations are limited or curtailed and weak. Role of CSOs and media to help in creating and strengthening institutional support will be more fully discussed later in this paper.

⁴ Devine, Tom, Legal Director, Government Accountability Project

⁵ <http://www.whistleblower.org/doc/2008/rtgfinal>

⁶ Dubey was a 40 year old engineer working on the Golden Quadrilateral Highway Project in India. Frustrated with inaction regarding his complaints on corruption, he finally wrote to the Prime Minister of India urging his action. Requesting confidentiality, he detailed the ‘loot of public money’ and ‘poor implementation’. The letter was forwarded down the bureaucratic chain. Dubey received numerous threats from those he blew the whistle on and was murdered on Nov 27, 2003. In 2004, Dubey was posthumously awarded the Transparency International integrity award.

⁷ http://groups.yahoo.com/group/INDIA_WBA/

Capacity Building

The current thinking on development places human rights at the center of capacity building and agrees that training must be targeted at both the duty bearers and right holders.

"The Human Rights Based Approach to development specifies two groups that are normally targeted in development activities. In a human rights-based approach, human rights determine the relationship between individuals and groups with valid claims (rights-holders) and State and non-State actors with obligations (duty-bearers). A HRBA identifies rights-holders (and their entitlements) and corresponding duty-bearers (and their obligations) and works towards strengthening the capacities of rights-holders to make their claims, and of duty-bearers to meet their obligations."⁸

The public awareness campaigns themselves constitute capacity building for the right holders. The campaign clarifies that citizens have a right to be provided with corrupt free services by officials, and if this does not happen they have a right to complain to designated institutions about their grievance. Therefore, the public awareness campaign strengthens the capacity of right holders to make their valid claim. Now, if the duty bearers are not trained on the obligations to not only provide corrupt free services but also of the citizens right to complain and have their claims settled in a satisfactory manner, the right holders or the citizens will not meet their expectations from the officials or duty bearers. Therefore, capacity building of officials is critical.

To maximize the effectiveness of a public awareness campaign, the duty bearers who would have the biggest impact on the success campaign should be identified at the planning stages. Close involvement of the officials in the design of the public awareness program can be a huge bonus to the success of the program. For example, if the public awareness program is about how to complain to the country's Anti-Corruption Bureau, research to the types of complaint mechanisms must be conducted in partnership with the officials receiving complaints. Next, the officials must be trained on how to treat complaints and the people who bring the complaints. A public awareness campaign on the services offered by an Anti Corruption Bureau and how complaints will be received without getting the officials trained and the infrastructure put in place to receive a sudden influx of complaints can have disastrous consequences for the results of the public awareness campaign.

Where the campaign specifically addresses corruption in a specific organization, it is imperative to train the members of that particular service about the campaign, and how it is going to help the particular service gain credibility and respect in the community through the organization. Involving the duty bearers in the design of the campaign, and in its implementation can be part of the training. The training can be conducted by senior officials or by external trainers. A heavy training of trainers component will ensure the sustainability of the program.

The police forms an integral part for public to complain against corruption and is sometimes the first level that the public has to face when lodging a complaint. Yet, corruption perception surveys in many countries identify the police as one of the more corrupt organizations in a country⁹. No part of the world is immune from this phenomenon. Yet, the police have an integral part to play in fighting corruption.

⁸ http://www.unfpa.org/derechos/preguntas_eng.htm

⁹ Examples include Albania – Corruption in Albania, Perception and Experience, 2006; Russia – Interior Ministry, 2003; South Africa - Survey on police delivery, 2001; Nepal – Corruption Barometer, 2005; USA – Miami Herald Survey, 2005; Mexico – Independent Council for Law and Human Rights;

“Usually cleaning up the police force is reckoned to be the starting point for anti-corruption campaigns. First, police are at the forefront of law enforcement. They are expected to uphold the law, protect and assist the community. Second, their actions are highly visible and have an enduring impact on building faith in the government. When law enforcement agencies are a law unto themselves; people lose faith in the system”¹⁰.

In such a situation, the public awareness campaign may focus on how to involve right holders in fighting corruption in the police. It is also important to find catalysts through the ranks of the organization, for example, the police to plan the campaign and implement the campaign. If it is through messaging on the radio, a senior police officer pledging to provide corrupt free services, and inviting complaints can be effective only if there are easy mechanisms for complaints, and with officers at the end of the line, or at the complaint desk who are highly trained to impartially record the complaint, and aware of next steps to ensure the complaint is properly lodged and followed up through an investigation, and a result that is acceptable to the person who is complaining. As such, training is required to record, follow up, investigate, protect the complainant, and implement the recommendation or judgment for disciplinary action or punishment.

A properly trained judiciary and skilled lawyers are also essential. For example, a public awareness campaign on the laws of a country pertaining to fighting corruption, and related legislation such as whistleblower protection, asset declaration, and access to information can be effective only if the lawyers and judges are trained to adjudicate such cases if the right holders who are the beneficiaries of such a campaign can successfully have their cases resolved in a court of law. If judges and lawyers do not have this capacity, then the awareness campaign on building legal skills of right holders would not be sustainable.

Similarly, oversight institutions such as supreme audit bodies need to have capacity to identify corruption and report on it to the parliament. When a complaint of corruption is lodged against a specific institution, the first step sometimes is an audit carried out by the audit institution of the country. In such an instance, if the audit institution is weak or is by itself corrupt, the public confidence created by awareness campaigns will be jeopardized. Therefore capacity of auditors to perform effectively, and of the institution to respond swiftly and impartially is critical. During a recent anti-corruption project in Malawi¹¹ the National Audit Office was the focus of rigorous capacity building with infusion of qualified accountants, examination of the Audit Act to ensure further independence, training on use of computers, and introduction of new areas for capacity building such as performance auditing, IT auditing, and audit sampling. One of the results was that when a group of university students identified corruption at the national registry as a case for corruption in the registration of deeds, the national audit office was able to immediately to conduct performance auditing at the registry compelling the registry to fairly and equitably deal with all pending cases related to land registration.

Capacity building must also be extended to duty bearers in other institutions such as customs, immigration, as well as national and local government officials who are serving the public.

Bangladesh – Transparency International Bangladesh Household Corruption Survey, 2005; Kenya, Nigeria, Bulgaria, Cameroon, Sri Lanka, Pakistan, India, World Bank Report on Corruption of police officers, 2002;

¹⁰ Manadhar, Narayan, Corruption in Police, 2005

¹¹ Strengthening Government Integrity in Malawi Project, 2006 to 2008, USAID/Millennium Challenge Corporation/Casals & Associates

Role of the Media

The local media has a critical role to play in supporting the institutional support systems to ensure success of a public awareness campaign.

A free and independent media is one of the principal vehicles for informing the public about corrupt activity. By investigation and reporting on corruption, the media provides an important counterpoint to the abuse of entrusted power for private gain, shedding light on the wrongdoings of public office holders and corporate executives alike. As such, it significantly contributes to the basis of knowledge with which citizens can hold both public and private institutions to account.

Transparency International anti corruption handbook
Media discussion

United Nations Office for Drug Control and Crime Prevention (UNODC) agrees that the ‘role of mass media in uncovering corruption cases and in building anti corruption awareness is important for both the prevention and the investigation and control of corruption¹²’. As the fourth estate, media can support popular movements starting with having an impact upon the executive. For example, there have been a number of public awareness campaigns throughout the world on the United Nations Convention Against Corruption (UNCAC). However ratification of the UNCAC by governments and development of local laws based upon UNCAC has been slow leading to disappointment and disenchantment among ordinary people about the effectiveness of the UNCAC, and the campaign to raise awareness of the UNCAC.

“Globally 140 countries are **signatories** of UNCAC, including 43 African countries (as of 8 November 2006). Signing is of course only the first step towards making UNCAC work, the next steps are for each country to **ratify or accede** to UNCAC according to their own national procedures (for instance in some countries the national parliament must approve an international treaty such as UNCAC ; in others the Cabinet need only approve it for ratification to take place and in still others there are different procedures) and then to **deposit the instrument** of ratification with the Secretary General of the United Nations (the depository designated by UNCAC). Currently 77 countries including the 27 African countries mentioned above have ratified UNCAC. After ratification or accession the real challenge begins of ensuring that UNCAC is actually implemented”.¹³

In this case, the media is ideally placed to investigate and report on the progress that government has made to encourage governments to move forward faster, or raise it as an issue during critical times such as election campaigns. As such, media has a useful role to support the awareness campaign and move public opinion to compel governments to sign up international covenants.

Media must make itself aware of the laws so that firstly, they themselves do not break laws regarding privacy or limitations on access to information, and secondly to fully support dissemination of new laws and amendments as support to awareness campaigns on protection provided to people by new laws. In instances where new laws are required or antiquated laws need to be changed for a more effective fight against corruption, media can assist in providing support through disseminating information about the laws and indeed leading public awareness

¹² UNODC Global Programme against corruption; an outline for action, February 1999

¹³ <http://www.u4.no/pdf/?file=/helpdesk/helpdesk/queries/query115.pdf>

and opinion about the new laws. It is useful in this regard to develop specialists within the media itself who would lead the support effort in legal development.

If media is to effectively support institutional support for public awareness campaigns, media must gain the respect of institutions and their leaders. This is true of both political and administrative leaders. To gain such respect, media must be impartial and professional. Media must properly investigate and report instances of institutional and political corruption with responsibility. Transparency and accountability within the media is also a part of such credibility creation.

Media also has a social responsibility to cover events and contribute towards success of campaigns. Giving free air time for discussions with political leaders and officials who lead relevant institutions is a useful way to support institutional support for campaigns. Following up on stories of public involvement in fighting corruption is another effective way to support the public.

Media must be aware of the duties and roles to be played by the respective institutions targeted by campaigns. Their own awareness of the institutions duties would help media better support the campaign. It is obvious that media must strategically select the use of print and electronic media depending on outreach and literacy rates.

In order to strongly present its case and effectively represent the voice of the public, media must be sufficiently strengthened to protect itself. This can be done through formation of media associations and through affiliation to international media institutes. Through involvement in the fight against corruption, journalists often put themselves at personal risk. Out of the 29 journalists murders recorded to date, 6 were investigating and reporting on corruption against the governments of Cambodia, Russia, Guatemala, Venezuela, a city government in the Philippines, customs office of Ecuador. In 2007, out of a total of 65 journalists confirmed as murdered 8 were involved in investigating and reporting on corruption¹⁴. Therefore, the risk is very real and murder of a journalist can be a severe setback to supporting public campaigns against corruption. Support by peers through institutionalized support is critical to protect journalists against attack by powerful elites with vested interests in persisting with corrupt practices.

Media associations can also take the lead in capacity building of journalists on investigative reporting, effective follow up, media freedom and principles of anti-corruption. These can also function as regulatory institutions for journalists to ensure quality through accreditation and disciplinary action.

¹⁴

Committee to protect journalists, <http://www.cpj.org/deadly/killed08.html>

Support of non-governmental institutions

In many countries non-governmental organizations (NGOs) are heavily involved in public awareness on anti-corruption. For example, Transparency International (TI) is the global civil society organization (CSO) leading the fight against corruption. TI is a global network including more than 90 locally established national chapters and chapters-in-information. These bodies fight corruption in the national arena in a number of ways. They bring together relevant players from government, civil society, business and the media to promote transparency in elections, in public administration, in procurement and in business. TI's global network of chapters and contacts also use advocacy campaigns to lobby governments to implement anti-corruption reforms¹⁵.

In addition to TI, there are national level NGOs throughout the world fighting corruption. In many countries, these NGOs take the lead in developing and implementing public awareness campaigns about corruption. Due to their independence, NGOs can act as catalysts to bring about collective action with regard to anti-corruption. NGOs can also work to bring about public awareness in creating anti-corruption institutions and anti-corruption laws and work at creating institutional support.

To convince governments to create legal and regulatory changes that support public awareness campaigns, NGOs and CSOs need to be totally transparent and accountable. In some instances, NGOs are seen as supporting a certain political party or a powerful local persona. In such cases, the usefulness of NGOs in supporting public awareness campaigns or any other activity will be limited. NGOs are also the subject of corruption scandals within themselves, which takes away their moral authority to act on behalf of the public. "Before advocating for government transparency and accountability, nongovernmental organizations (NGOs) must ensure that their own procurement, hiring, and financial systems are transparent and accountable¹⁶".

Another problem that limits NGO or CSO capacity to support the creation of institutional space for public awareness campaigns is lack of funding. Many NGOs and CSOs are dependent on external donor for funding, and their activities are therefore time-limited by projects. This affects the sustainability of their support. Some NGOs and CSOs are also accused of serving the agenda of their donors, and not the public they serve. It is important for NGOs to overcome this accusation in order to influence institutions to generate space for the success of public awareness campaigns on anti-corruption. In some countries, governments are suspicious of NGO and CSO activities and have stringent regulatory frameworks that make the independent function of a NGO or CSO difficult. In such countries, NGOs can create public awareness campaigns to develop legislation that creates a free environment for their work.

It is also important for NGOs and CSOs to work together with the media. In 2005, a survey on Governance and Corruption conducted in Mozambique showed that people believed more in the media and NGOs than in the institutions that should be in the lead when the matter is fight against corruption¹⁷. Media and NGOs or CSOs working together can keep the spotlight on corruption

¹⁵ <http://www.transparency.org>

¹⁶ http://www.irex.org/resources/factsheets/IREX_Anti-Corruption.pdf

¹⁷ National Survey on Governance and Corruption-2004, Public Sector Reform Technical Unit (UTRESP).

and support the public efforts to fight corruption making awareness campaigns more meaningful and results oriented.

Determining the effectiveness of institutional support

The level of institutional support can determine the success or failure of a public awareness campaign on anti-corruption. Therefore, it is essential to establish monitoring and evaluation criteria specifically referring to this aspect during the planning stage of the anti-corruption campaign. This can be part of a larger program or survey, or can be specific to the campaign.

Ideally, an anti corruption campaign must start with a baseline survey that includes political will, existence of institutions where citizens can easily complain, the level of institutional space within law enforcement agencies and oversight institutions including civil society and media, laws protecting the citizens and officials such as whistleblower protection acts, as well as the level of awareness of corruption amongst people.

Coalition Building and Monitoring for Anti-Corruption in South East Europe

Experience has shown that the start-up issue for an anti-corruption program is the collection of reliable information about the status and level of proliferation of corrupt practices. The lack of such information on a regional scale impedes the formulation of effective public policies and civic action. Thus, as both policy makers and NGOs seek to promote democratic practices and values *region-wide* they have a pressing need for verifiable information about the impact of corruption. Further, corruption watchdog findings have proved to be a major argument in initiating the public debate on these issues. Obtaining and publicizing watchdog findings also empowers the organisations involved in the process: they both obtain a relevant analytic description of the situation (making it possible to draft appropriate anti-corruption strategies) and strong argumentation that corruption is a problem worth political and civil society attention. Producing the corruption diagnostics reports on the regional level enforces the potential of the coalition of NGOs making it an effective civil society unit pursuing specific objectives.

International Development Law Institute, 2002

In countries where literacy rates are low, billboards, newspaper advertisements, posters or anything in writing would be of little use. In such an instance cartoons are a good way to get the message across. We can get examples of good cartoons for our presentation. TV will be useless in poor countries where few people have TVs. Radio is a very good mechanism as many people have radios and listen to them in groups as well. Community radio is a powerful medium. So, it is not useful for a donor to spend money on written ads where literacy is low, or on TV ads where not many people have access to TV. Sample surveys of the audience living in areas covered by the programs can be tools to evaluate the success of the campaign with specific questions on the experiences of the public on the services and cooperation extended by national and local institutions.

There are also other powerful ways to get messages across that can be evaluated. Presentations and discussions when grassroots organizations meet are effective. Local government

organizations, informal institutions like village chiefs, can also be used to get people's opinions and perceptions of how much these institutions supported the awareness campaign and public activities pursuant to the campaign. Indicators must be developed to monitor and evaluate participation by these duty bearers in the planning of the campaign, implementation of the campaign, and follow up.

Where the public awareness campaign is to achieve a specific purpose in a specific area, it is easier to develop indicators. For example, if the campaign is to reduce corruption in the office of passports, periodic surveys of public using the office can provide information on levels of corruption in the office. In such a case the level of institutional support by the passport office can be easily evaluated. In a campaign targeting overall corruption levels in a country, an indicator of the awareness campaign's success can be the country's standing in international indices such as the TI corruption perception survey or the World Bank Corruption index.

Meeting public expectations

Does this mean that we do not proceed with public awareness campaigns where there is no political will, no institutions to support the fight against corruption, untrained judiciary and public officials, no protection for complainants, not support from the media, and weak civil society apparatus? The answer is certainly not. The answer is that public awareness campaigns will certainly be implemented in such countries, taking in to account the limitations of a particular situation. This is reason why there must also be a baseline survey prior to the design of a public awareness campaign.

Where there is no political will, the campaign should create such political will. If the country has not signed or ratified international conventions, the public awareness campaign must focus on creating a ground swell for ratifying the conventions. Where there is no anti-corruption law, the campaign must educate the public about the usefulness of having such a law, and target the involvement of political leaders who are committed as catalysts within the campaign.

Where there are no institutions, the campaign must take in to account this problem and design activities to gather mass support to compel governments to develop laws to create institutions, such as anti corruption bureaus. Timing is also of the essence, as political leaders will take up such issues more readily as political promises. The public awareness campaign must then continue to pressure those coming to power keep good their promises or to step down and let new governments take over¹⁸.

In situations where the judiciary and law enforcement officials are not trained or are corrupt, it becomes difficult but not insurmountable to design public awareness activities to tackle the problem. This is a very difficult situation, as those whose jobs are to fight against corruption become the problem and not the solution. This is not uncommon and today we have examples from around the world where public awareness campaigns have forced the judiciary and law enforcement mechanisms to reduce corruption. For example, public outreach and awareness programs in South India has reduced corruption in the police through bringing the public and police closer together through community policing programs.¹⁹

¹⁸ Georgia's rose revolution of 2003, Ukraine's victory of opposition leader Viktor Yushchenko in 2005, and Tulip revolution in Kyrgyzstan of 2005.

¹⁹ http://www.humanrightsinitiative.org/new/community_policing_experiments_in_india.pdf

Where there is no legislative protection for complainants, there are two approaches. One is to obviously lobby for such legislation. However, if the country is in its infancy with regard to democratic growth, it may be more sustainable to start with a softer approach of informing the public with the fundamentals of identifying corruption, its repercussions on society and the economy, and generally build up towards a more aggressive approach of lobbying for legislation.

Weak media that cannot promote institutional support is certainly a drawback and needs to be taken in to account when developing a campaign. More funding will have to be set aside for publicity activities such as publications and advertisements.

The maturity of civil society organizations within a country can also have a significant impact on raising institutional support. A vibrant civil society sector can support campaigns through their own lobbying and contacts with institutions to get maximum support in the fight against corruption. Academia in a country can also join civil society efforts to persuade political leaders and government institutions to be more responsive to public awareness campaigns.

Academia in a country can also join civil society efforts to persuade political leaders and government institutions to be more responsive to public awareness campaigns. Socially responsible academia may involve itself from the design stage of a public awareness campaign to give it the additional weight that can sway opinions and commitment of politicians and senior bureaucrats.

International institutions also have a role to play in meeting public expectations. They can use their influence and funding to create political will to support anti-corruption activities among politicians and leaders. They can also support capacity building efforts within a country to create the administrative and institutional space for duty bearers as well as right holders.

It is clear that public awareness campaigns on anti-corruption can achieve greater impact where there is institutional support by government and its various agencies. Creating such space and support is the responsibility of CSOs, international donors, and indeed the public themselves.

The following issues were identified in Afghanistan as to why anti-corruption agencies fail²⁰ and how they can become unable to provide institutional support for the public fight against corruption.

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Why Anti-Corruption Agencies Fail

Anti-corruption agencies can fail because of:

- **Weak political will** – vested interests and other pressing concerns overwhelm the leadership
- **Lack of resources** – there is a lack of appreciation for the cost-benefits of a “clean” administration and of the fact that an effective anti-corruption agency needs proper funding;
- **Political interference** – the anti-corruption agency is not allowed to do its job independently, least of all to investigate officials at the higher and highest levels of government;

drugs and
strategy