

Engaging Citizens in the Fight against Corruption

Results of the EU-Project “ALACs (Advocacy and Legal Advice Centres): Promotion of Participation and Citizenship in Europe”

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Abstract - The paper aims at presenting first results from the EU-funded project entitled “Promotion of Participation and Citizenship in Europe through the Advocacy and Legal Advice Centres (ALACs) of Transparency International” supported by the European Commission under the Seventh Framework Programme. The research project is a joined venture between the Transparency International Secretariat and a team of scholars based at the universities of Konstanz, Duisburg-Essen and Warwick. ALACs have become over the last years an important instrument within the frame of the so-called International Anticorruption Regimes. ALACs enable direct engagement of citizens in the fight against corruption. They empower both victims and witnesses of corruption and provide channels for their grievances. The paper provides first of all insights into history, structure and function of ALACs as an important anti-corruption tool. By doing so, the paper comparatively focuses on how ALACs translate concerns of ordinary citizens on corruption cases into actions for systemic (legal, administrative and institutional) anti-corruption improvements through case and public advocacy.

Keywords: *civil society, anti-corruption instruments, citizens empowerment, case advocacy, public advocacy*

I. ORIGINS AND GLOBAL SPREAD OF ALACs

The first Advocacy and Legal Advice Centres were started in 2003 on a pilot basis by three National Chapters of Transparency International in Eastern Europe – Bosnia and Herzegovina, FYR Macedonia and Romania. Surpassing all early expectations, since then the ALAC model has taken off and is one of the most dynamic new anti-corruption intervention experiments by the global TI movement. It is also highly results driven and cost-effective. There are now over 60 ALACs throughout the world, although the majority are still in Eastern Europe and the Former Soviet Union. ALACs have received to date tens of thousands of calls, visits and contacts from citizens. The core purpose of the ALACs is to inform citizens about their legal rights and equip them to take action on cases of corruption that they have witnessed or been victim of. This can be legal action, filing of complaints with responsible anti-corruption or service-agencies, ‘blowing the whistle’ or bringing media attention to public issues.¹

In Europe, where anti-corruption policies have been a key governance condition on accession to the European

¹ B. Elers/A. Giannakopoulos/D. Tänzler, “Citizens’ Participation and Anti-corruption: The Advocacy and Legal Advice Centres of Transparency International and the EU-funded Project ‘ALACs’”, in D. Schmidt-Pfister/S. Wolf (eds.): *Anti-corruption Regimes in Europe*, 2010, pp. 162-179

Union, ALACS are seen as constructively mobilizing both *direct* citizen action, and effecting civic participation through the advocacy of the ALACs. In the Caucasus, in Azerbaijan one of the most dynamic ALAC operations sees five regional ALACs reaching out beyond the capital Baku with four regional ALAC centres. ALACs have opened in Armenia and Georgia as well. In Africa, in Kenya and Zambia ALACs were launched in 2007, and new ALACs opened in Zimbabwe, Ghana, Liberia, and Rwanda. There are also firm plans to open centres in Nigeria, Mauritius, Senegal, Cameroun, Niger and Madagascar. In the Americas, in Guatemala and Haiti ALACs opened in early 2008 and TI is looking to learn how the ALAC approach is adapted to fit with these very different national environments. In 2009, Argentina has already opened, with plans for ALACs in Dominican Republic and Uruguay by the end of the year. A number of other countries, including, Bolivia, Colombia, Panama, Peru, Trinidad and Tobago and Venezuela are exploring the possibility of establishing centres. In the Middle East and North Africa, ALACs have started in Lebanon, Morocco, and Palestine, with the latter planning a second centre in Gaza. In the Asia Pacific region an ALAC has recently opened in Pakistan, Fiji, Nepal, Papua New Guinea, the Solomon Islands, and Vanuatu. In Bangladesh, mobile or so-called 'satellite' advice and information desks are empowering citizens by providing information on service entitlements. India and the Philippines are also exploring the possibility of ALACs.²

II. WHAT DO ALACs DO?

The ALACs provide legal advice and assistance to victims and witnesses of corruption. ALACs help citizens pursue corruption-related complaints, encouraging

² See more at: http://www.transparency.org/global_priorities/other_thematic_issues/alacs

them to come forward. The sheer diversity of cases and people who use the centres – from the unemployed to entrepreneurs, from pensioners to business people – demonstrates the pervasive nature of corruption. ALACs observe strict client confidentiality. By using information gained from cases (either individual cases or common themes running through a variety of cases observed), the ALACs are then able to advocate for reform based on very concrete evidence. Cases range from small bribes to grand corruption involving hundreds of millions of dollars or Euros. They involve issues of public procurement, abuse or misuse of public assets, privatisation, environment, judiciary, health, education, customs and planning and development inspectorates. Many significant changes have already been effected by ALACs, including for example, introduction of whistle-blower laws in Romania, new administrative procedures for inspections and licenses in the Czech Republic. ALACs, working in the TI multi-stakeholder tradition, aim to create dialogue, informal feedback, and working partnerships with government institutions charged with anti-corruption. In a nutshell, ALACs seek to translate citizens' concerns on corruption into structural changes for better local and national governance.³

(Elers/Giannakopoulos/Tänzler 2011).

III. WHAT IS UNIQUE ABOUT ALACs?

Many countries have legal advice centres and hotlines. However there are a number of ways in which ALACs are unique. By understanding the broader context of corruption beyond merely a

³ A. Giannakopoulos/A. Keller-Herzog/D. Tänzler, "ALACs (Advocacy and Legal Advice Centres). An Innovative Instrument for the Promotion of Participation and Citizenship in Europe by "Transparency International" and the Significance of the Co-operation between Non-Governmental Organisations and Social Science", in: M. Coester/E. Marks (eds.): *International Perspectives of Crime Prevention, Contribution from the 2nd Annual International Forum/German Congress on Crime Prevention*, Mönchengladbach: Forum Verlag, 2008, pp. 99-117

legalistic approach (i.e. providing legal services and advice), the ALACs can build up a level of specialisation and sophistication in this area which other services cannot match. Whereas most legal advice services assist clients to formulate court appeals (something some ALACs do), ALACs also work with a whole variety of government institutions and in different ways beyond just legal assistance. As ALACs specialise in corruption, this allows for the production of good data assessing the problems of corruption and for developing anti-corruption advocacy campaigns.⁴

IV. HOW DOES ANA ALAC DIFFER FROM GOVERNMENT ANTI-CORRUPTION AGENCIES?

Many ALACs have developed very functional relationships with government agencies including the judiciary -- these relationships are typically underpinned by MOUs (Memoranda of Understanding). In many countries governments also have complaint hotlines. An ALAC's mandate is very different. A government hotline or complaint agency accepts and investigates complaints; it does not help people develop complaints or provide guidance. An ALAC, on the other hand, essentially helps citizens to develop, articulate and pursue complaints; it does not 'investigate' them to determine whether they are right or wrong. In other words, the ALACs should be conceived as a step *prior* to the submission of a complaint to government authorities, not in competition with it. Furthermore, ALACs help ensure that government agencies receive well developed complaints, making their investigation work easier; they are

providing a service to government agencies.⁵

V. CASE AND POLICY ADVOCACY AS MAIN ELEMENTS OF ALACs ACTIVITY: A COMPARISON⁶

A. TI's Working Definition of Advocacy: What is Advocacy? Who Does It and How?

The working definition of advocacy by TI comprises of critical but constructive engagement with all stakeholders (including local communities) focusing on a process of change in:

- who makes the decisions: participation of civil society, representation of community
- what is decided: legislation, policies, budgets, programmes
- how it is decided: transparency; participation of civil society
- Ways of enforcement or implementation: accountability, awareness raising, international and regional conventions

TI indicates a five step advocacy plan:

1. Identifying aims and objectives: What's the problem and what's the process involved in implementing change? "Problem tree" exercise can help narrow down the change that needs to occur.
2. What's the resources and capacity of the TI-national chapters to do advocacy? What's the environment like?
3. Formulation of influencing strategies: How is that decision made and by whom? A "stakeholder analysis" exercise can indicate who is needed to be reached in order to influence decision-making.
4. Development of an activity plan: How will be reached and which is the target audience? Identification of "chains of influence" and communication channels in

⁴ B. Elers/A. Giannakopoulos/D. Tänzler, "Citizens' Participation and Anti-Corruption: The Advocacy and Legal Advice Centres of Transparency International and the EU-funded research project ALACs", Research Project "ALACs", Discussion Paper Series, University of Konstanz, Discussion Paper No 3, 2011

⁵ Citizens Become Actors in the Fight against Corruption, at:<http://capacity4dev.ec.europa.eu/article/citizens-become-actors-fight-against-corruption>

⁶ Project results presented in this chapter are based on the overall analysis report submitted to the European Commission accessible at: <http://www.soziologie.uni-onstanz.de/alacs/project/deliverables/>

order to make advocacy work more effective. 5. Monitoring and evaluation of the advocacy process and its achievements.

B. Comparative Results of the EU “ALACs”-Project on Case and Policy Advocacy

The following comparative case studies of the ALACs in Azerbaijan (AZ), Bosnia-Herzegovina (BiH), Romania (RO) and the Czech Republic (CZ) aim at showing how the ALAC concept has been adjusted and implemented in each country. The scope is to reveal local dynamics in the global fight against corruption. In all countries, advocacy comprises three different areas. First is case advocacy, meaning the statistical evaluation of all cases documented in the ALACs. Building upon this is policy advocacy, aimed at creating instruments to change laws and thereby systematically transforming the conditions under which corruption flourishes. Lastly, advocacy measures also aim to create the greatest possible public awareness of corruption.

The advocacy principle is part of the general approach of all ALACs examined. TI and the ALACs pursue the advocacy principle as a value-oriented alliance with diverse interest groups, working for consensus (rather than criticism and conflict). ALAC staff and activists are highly qualified and offer their expertise in the areas of case advocacy and policy advocacy. This professional, serious approach not only creates citizen trust, but also wins respect from representatives of the state in the legislative and executive branches.

C. Comparison of Case Advocacy Measures

Specialist data assessment software has been written for the ALAC project's statistical evaluation of corruption cases,

and this analysis serves as the foundation on which all expertise is built. This software is used in all ALACs to create a knowledge base on the topic of corruption, except in the Azerbaijan ALAC. Since there is hardly any prospect of influencing the legislature in any concrete way because of the political situation in Azerbaijan, and the lion's share of corruption cases reported are in the realm of petty corruption anyway, no extra effort is made there to standardise cases, and only the number of cases is logged. All other ALACs use the ALAC software. In a first step, cases are assessed and documented using the software's data entry interface. The resulting evaluation shows the characteristic dimensions of corruption profiles in individual countries, and in particular show the walks of life in which corruption is especially virulent. In the next step, individual cases are then standardised and either used as illustrative examples during legal consultation or, as in Romania or the Czech Republic, passed on to the media for publication.

TABLE I. MEASURES FOR CASE ADVOCACY

	AZ	BiH	RO	CZ
Case Advocacy	Documentation	Documentation	Documentation	Documentation
	/	Evaluation	Evaluation	Evaluation
	/	Standardisation	Standardisation	Standardisation

D. Comparison of Policy Advocacy Measures

ALAC staff and activists work to bring about systematic change in everything they do. The corruption profiles, drawn up on the basis of case advocacy work, reveal areas where there are legal loopholes and weak spots. The ALACs prepare various submissions for

legislative reform to improve conditions for anti-corruption measures, in particular concerning protection of whistleblowers. Romania is the only country to have a Whistleblower Protection Act, which is a great coup for TI-Romania and the Romanian ALAC, both decisively involved in preparing this law. Bosnia-Herzegovina and the Czech Republic have drawn up draft legislation, while the Azerbaijan ALAC is not actively involved in the legislative process or in suggesting new or revised laws, since their focus is just on legal advice. However, basing on analysis of ALAC cases TI-Azerbaijan designs policy recommendations for the government on sector-to-sector basis.

TABLE II. MEASURES FOR POLICY ADVOCACY

	AZ	BiH	RO	CZ
Policy Advocacy	/	Draft Legislative Provision	Draft Legislative Provision	Draft Legislative Provision
	/	/	Legislative Proposals	/

E. Comparison of Approaches to Whistleblowing

Whistleblowers are those informants whose revelations help make public abuses encountered in their professional activity, in government or in business. These abuses typically result in especially dramatic disclosures of intolerable misconduct which threatens the public good. This group of informants is invaluable for TI's work, since the information they supply opens up serious cases of corruption to public scrutiny. Despite the great value placed on cooperation with whistleblowers in any general strategy for anti-corruption measures, this aspect is emphasised differently in different countries. Except for Romania, none of the countries studied here have a law to protect whistleblowers. In Azerbaijan, the almost exclusive focus of ALAC's work is on the petty corruption

which defines daily life for so many Azerbaijanis, so the whistleblower aspect of their work is barely considered. Persons coming to use ALAC services in Azerbaijan are victims of pervasive corruption. In Bosnia and Herzegovina, there is certainly great interest in whistleblowing, but it is nearly impossible for staff and activists to ascertain whether informants really are acting as whistleblowers. In most cases it becomes evident that those who come as whistleblowers are acting from palpable personal motives. Additionally, many corruption cases in Bosnia and Herzegovina are linked to the close-knit organised crime networks in the constituent entities of the republic. This means that potential whistleblowers almost always go in fearing for their lives, making citizens much less ready to blow the whistle on behaviour they may witness. In Romania, whistleblowers are a primary target group for ALAC staff and activists, who know that they can give important information on spectacular cases. The Czech ALAC, going against the general trend in the ALAC project to offer advice and consultation only, provides lawyers to represent whistleblowers in court.

These different approaches to whistleblowing are also reflected in attitudes to whistleblowers. Staff and activists at the ALAC in Azerbaijan are, relatively speaking, perplexed by the idea of a whistleblower. Because of the situation in the country, the idea that persons might approach the ALAC purely as witnesses to corrupt practices rather than from personal motives is unreal to them. Staff and activists at the ALAC in Bosnia and Herzegovina see whistleblowers in very general terms as witnesses of corruption. While aware of the importance that TI-Secretariat in Berlin places on this group, they do not share this attitude to the same extent. The Czechs see whistleblowers as clients just like any other victim of corrupt practices, and will also represent them in court after

examining and assessing the case. The Romanians have paid increasingly more attention to whistle blowing, with both legislative initiatives and stringent selection procedures for cases. Romanian ALAC staff and activists plan increased cooperation in future with whistleblowers from the public health sector, and have already printed posters and leaflets on the topic and distributed them in the institutions concerned.

TABLE III. APPROACHES TO WHISTLEBLOWING

	AZ	BiH	RO	CZ
Priority	Very Low	Low	Very High	High
Perception	/	Witnesses of Corruption	Main Target Group	Clients
Protection	/	/	Whistleblower Protection Act	/

VI. COMPARATIVE CONCLUSIONS

On the basis of the developments described above, one can easily see that establishing ALACs in Azerbaijan, Bosnia-Herzegovina, Romania and the Czech Republic led in every case to improvement and efficiency in the fight against corruption. The two central pillars in the fight against corruption, legal advice and advocacy have been much strengthened by the work of the ALACs. In the first place, the ALACs’ legal advice service offers concrete help to citizens who are ready and willing to act against the abuses caused by corruption. The offer of free, citizen-facing legal consultation and advice contributes greatly to the goal of empowering people to speak up, by purposefully encouraging civic engagement in the fight against corruption. The significant increase in grievances about corruption received in every country where ALACs have been established is convincing proof that this strategy is succeeding.

In the second place, the corruption profiles collected and compiled during the course of legal advice work underpin Transparency's expertise in corruption-related matters, demonstrably shoring up their expert status. This transforms the ALACs’ image and standing as well as TI’s effectiveness at the national level. TI and the ALACs become partly strategic and partly constructive partners for both private sector and public sector, because they have gathered and interpreted data about corruption and its conditions. Assessment also convincingly shows that expertise based on standardised case analysis is especially important as an instrument for bringing about systemic change. TI works to change, remove and prevent the conditions in which corruption takes hold. Empirical data-gathering and targeted transmission of knowledge about corruption, both directly influence options for creating systematic change. Anti-corruption measures can only be directed effectively on a basis of exact knowledge of how and where corruption flourishes. Greater knowledge of corruption makes for proportionally greater expertise, and TI’s negotiating position improves considerably.

Thus, one important result of the present comparative assessment of ALACs is to have shown that the two anti-corruption pillars, legal advice and advocacy, improve in the long term with the implementation of the TI’s ALAC project. The present analysis also shows that the areas of legal Advice and Advocacy are given varying weight in different countries. This leads to different emphases within the ALAC project, directly dictated by the conditions prevailing in each country. While the main service focus in Azerbaijan and Bosnia and Herzegovina is on legal advice, and in Azerbaijan advocacy is a new trend, the situation in Romania and the Czech Republic is quite the reverse. Here advocacy is seen as the actual core of

ALAC work, though the importance of legal advice is not lost sight of.

Observing these differing priorities in the national implementation of the ALAC package, we can conclude that there is a shift of focus from client-centred legal advice to political consultation and advocacy as formal institutions in the country in question become more effective. The Romanian ALAC established by TI-Romania can be seen as a success, indeed almost a text-book example, in this process of development.

In Romania as in the Czech Republic, we may observe a correlation between the degree to which the country's institutions are developed, and the frequency of corruption; this correlation most likely obtains in other countries as well. The better state institutions and bureaucratic procedures function, the less often citizens must accede to demands for bribes in everyday situations. As bureaucratic institutions become more effective, cases of everyday citizen corruption fall proportionately. Corruption does not vanish entirely in this process, however; rather, it shifts from quantitatively widespread petty corruption to the qualitatively different, and often spectacular, individual cases of high level corruption.

In all countries, we see that the fight against corruption can only effectively be waged in a functioning partnership with state institutions. Cooperation with state institutions and their representatives, rather than confrontation, is thus called for in all countries. Additionally, citizen engagement in the fight against corruption must be encouraged in the long term. Corruption can only be systematically prevented when both sides work together, and state institutions and civil society act in concert against corruption.

Finally, regarding concrete recommendations towards improvement of the existing ALAC-mechanism we must keep in mind the individual ALACs' differing emphases, dictated by specific regional conditions. In Azerbaijan and Bosnia-Herzegovina the main task is to make more effective the concrete help offered to individual victims of corruption. Above all there is room for improvement in the services' actual accessibility. In Azerbaijan, the formation of mobile training teams led to improved options for getting in touch with the ALACs. This is a way to involve the rural population too, and make them active in the fight against corruption. In Bosnia-Herzegovina, options for getting in touch were improved by opening two ALACs, in Sarajevo and Banja Luka, especially considering the continuing ethnic tensions in the country. Though there are certainly financial costs connected to opening several ALACs, the examples of Azerbaijan and Bosnia-Herzegovina show very clearly that this option should at least not be ruled out. Where a population's mobility or ethnic composition makes it necessary to found several ALACs, funds should be provided to make this possible in the long term. This recommendation becomes more urgent when we consider that in Azerbaijan above all, but in Bosnia-Herzegovina as well, the whole media landscape is state controlled, i.e. censored, which restricts media options for informing about corruption, and makes direct contact with the citizenry a priority.

It would make sense to extend services offered at the ALAC in Bosnia-Herzegovina to include Legal Representation, as has already successfully been done for ALACs in Azerbaijan and the Czech Republic. Such an expansion of service should always be an option but should not be forced upon a centre, rather it should be at the discretion of each ALAC. Where an ALAC deliberately chooses not to include Legal Representation in its services, as for instance the Romanian ALAC, this should

continue to be an option. Thus we recommend flexible guidelines in the matter of whether or not Legal Representation should be offered.

For every ALAC, a stronger focus on cooperation with whistleblowers is recommended. Especially for Romania and the Czech Republic widespread petty corruption is far less of a problem than high level corruption, cooperation with whistleblowers is the indispensable precondition for a more effective fight against corruption. A dual strategy is suggested to heighten whistleblowers' readiness to come forward. On the one hand, the topic must be firmly anchored in public awareness, in a way which creates lasting, long-term positive connotations. Whistleblowing must be perceived as a positive act, i.e. as an action that generally benefits civil society. Spectacular individual cases, suitably anonymised, might be passed to the media for the purpose, to steer media attention toward a positive impression of whistleblowing. On the other hand, potential whistleblowers must be contacted within their organisations and businesses. Posters and informational material should be distributed in suitable organisations, and works council representatives and other trustworthy individuals should be briefed on whistleblowing and related matters. Legal measures to protect whistleblowers should be introduced in Azerbaijan, Bosnia and Herzegovina and the Czech Republic, following Romania's example. ALACs should advocate for a special whistleblower protection act. The fight against corruption can't be won without full protection of witnesses and victims of corruption. This protection can be covered alone by a special whistleblower protection act. It starts with secure ways of contacting and data protection.

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