

## **Workshops on Sub-Thematic Areas**

### **Sub Theme 3: Setting the stage for non-State actors**

#### **Topic: The Role of Civil Society**

Mr C Uwishaka

**The chairperson, Mr Kim of Korea**, introduced the topic of the session by highlighting the key roles that civil society plays in the fight against corruption and the promotion of integrity. He cited the following roles:

- Watchdog through exposing corrupt officials and the protection of whistleblowers
- Raising public awareness on the evils of corruption through running of information centres and conducting research into the socio-economic impact of corruption
- Developing alternative systems policies legislation and policies that promote accountability
- Acting as a reservoir for civil participation and operating networks that fight corruption and promote integrity at various levels (local, national, regional and international)
- Acting as coalition builders for fighting corruption and promoting integrity
- Protecting whistle blowers and victims through advocacy and campaigns
- Through Monitoring and Evaluation of existing treaties and conventions on corruption at both national and regional levels
- Through acting as role models of integrity and good governance

He said that although this is not an exhaustive list of all roles played by civil society in the fight against corruption and promoting integrity. He also indicated that the role of civil society is critical in the fight against corruption and promoting integrity.

Mr Soccoja of France discussed "Partnership with Civil Society - The experience of the Service Central de Prevention de la Corruption SCPC (National Centre for the Prevention of Corruption)", where he recognised the importance of close collaboration between civil society and government institutions in the fight against corruption and the promotion of integrity.

The centre was created in 1993, with the mandate to fight against corruption and promote integrity in the public as well as the private sectors. An independent body reporting to the French Prime Minister and the Minister of justice, its role is purely preventive and it does not have a mandate to prosecute. Its work centres on the following areas:

- Centralisation of data regarding the performance of systems as against individuals
- Provision of advice on the fight against corruption and the promotion of integrity
- Making recommendations and producing annual reports on relevant topics on the fight against corruption and the promotion of integrity
- Provision of training on the fight against corruption and the promotion of integrity
- International cooperation in the area of fighting corruption and promoting integrity
- Provision of technical advice in the development of sectoral codes of conduct and promotion of good practice in the fight against corruption and the promotion of integrity

Following the recommendations of the Council of Europe and the OECD evaluation, the centre has expanded its activities to cover activities of the private sector especially the Small and Medium Enterprises (SMES). The centre has conducted many training sessions for private companies, analysing their sustainability reports to gauge how much they

disclose on their efforts in the fight against corruption and the promotion of integrity. The centre also provides technical advice and support to business leaders who wish to promote integrity and corporate social responsibility within their companies' operations. However, he noted some difficulties in this area of activities including the lack of genuine collaboration by certain business leaders and perceived competition with companies' internal legal services.

**Ms Drew, of UNI-CORN** provided a short history of UNCAC in that it is the first global standard in the fight against corruption, started in December 2005. The convention provides extensive opportunities for an important role and a mandate to civil society to contribute to the fight against corruption and the promotion of integrity. She noted the important role played by civil society in the development and the adoption of UNCAC and that UNCAC is also known as a convention that belongs to the people.

UNCAC laid the foundation for future work at the internal as well as national levels in the area of the fight against corruption and promoting integrity. Some formal as well as informal examples of possible involvement of civil society included the production of alternative reports, sharing of information, convening of working groups, consultation with governments, submission of policy formulation input, monitoring, public awareness raising and others.

Trade unions have a dual function in the sense that they have members from both the public and private sector and that they are mass membership organisations in civil society. UNI-CORN is a global union supported by the Trade Union Advisory Committee to the OECD - its aim is to mobilise trade unions to combat corruption and to ensure public sector integrity and protect whistleblowers. The organisation's activities include monitoring multinational companies, setting up telephone hotlines for public sector workers to report corruption, the production of an anti-graft/corruption tool kits, training its members for public procurement watch and exposing high level corruption. Regarding exposing high level corruption, Ms Drew noted that despite adopting this approach, the risks associated with this effort is still too high citing examples of cases of victimisation that happened recently in the Philippines Republic.

**Mr Monadjem of Transparency International - Brazil** reflected on the Brazilian experience leading to the impeachment of their former President 15 years ago, noting that this had played a critical role in the conviction of the founding fathers of Transparency International. Mr Monadjem noted that any government's role is to serve its people and that development is not just about the acquisition of material and economic wealth but also the promotion of positive change of attitudes that foster the realisation of humanity.

He then focused his presentation on the role of civil society in the promotion of access to information using Brazil as an example. Access to information is a human right that must be protected by domestic law through an enabling legal framework.

He highlighted the importance of the Internet as a powerful tool to convey information to every person. While recognising that Internet remains inaccessible to a significant proportion of people, it is increasingly becoming accessible throughout the world at a very high rate. Using the popular saying that the best place to hide a tree is in a forest, he cautioned the audience that having information in the public domain does not always mean that information is useful. There is need for media, academia and civil society in general to work hard to ensure that information is user-friendly and serves the purpose to fight corruption and promote integrity.

Transparency International - Brazil has used Internet to fight against corruption and promote integrity in Brazil. This includes:

- Monitoring government procurements through the Internet - highlighting government inefficiencies and briberies;
- Providing Internet based procurement assistance to identify common areas of non-conformity with procurement regulations;
- Tracking and publicising political donations to tell the public who pays whom in the Brazilian elections
- Monitoring government performance through Internet to provide information on the particular voting patterns of elected politicians

**Professor Habib of South Africa** focused his presentation on the macro economic socio-political scenario and reflected on the role of civil society in the democratisation of the political space.

In the last few years, there has been an explosion of civil society across the world. Simultaneously, we have also noted an increase in the level of inequality across the world. Corruption is a universal phenomenon not only contributable to the developing world. Its socio-economic impact is arguably higher in the developing world, whereas its level measured on the amount of money involved is higher in the developed world.

The World Bank promoted Structural Adjustment Policies (SAP) that have had a triple impact namely:

1. Reducing State capacity to regulate the market
2. Broadening boundaries between the private and public sectors
3. Promoting privatisation of national assets

Thus, SAP has created a conducive environment against corruption. Habib observed that we need to address the macro economic context, if we are to succeed in the fight against corruption and promote integrity. In this regard, he noted the importance of having an open democratic space and the importance of a vibrant civil society and media. He regretted the recent tendency to limit space for civil society activities in the name of the fight against terrorism. Civil society plays a critical role in addressing the challenge posed by institutional uncertainty (which is about the substance of the rules of the game) and substantive uncertainty (which is about the outcome of the rules of the game). This role is particularly crucial in contexts where multiparty political democracy is weak.

### **Questions and answer session**

Questions centred on the capacity, independence and ability of civil society organisations to engage governments and the reasons why trade unions in many parts of the world fail to play their role of protecting whistleblowers. Other questions concerned the challenge to address the paradigm between increasing democratic space and the perceived levels of corruption, shortcomings of the UNCAC in addressing the issue of asset recovery and shortcomings in the use of Internet in fighting corruption and promoting integrity.

The audience commented on the real dangers that exist if governments allowed the public full access to government information and regretted the fact that the panel did not reflect the particular situation in Sub Sahara Africa.

In concluding, the chairperson noted that there is no panacea to the fight against corruption and there is a need to adopt a holistic approach in this struggle. For successful initiatives, there is a crucial need for increased collaboration between all sectors of society. For civil society to play its rightful role in the fight against corruption and the promotion of integrity, it must ensure that its own integrity and accountability is beyond reproach.