

GLOBAL INFORMATION SOCIETY WATCH 2012

THE INTERNET AND CORRUPTION
Transparency and accountability online



Global Information Society Watch

2012



Global Information Society Watch 2012

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Preface

The theme for this year's GISWatch – “transparency and accountability with a focus on corruption” – is for some a difficult one. At least two country report authors withdrew from participating in this year's publication because of the consequences they could face locally from singling out specific acts of corruption in their countries. This is telling. It suggests that to consider ICTs and corruption directly is to put the spotlight more narrowly on what governments or businesses or state authorities are actually doing – and this can, as some authors contend, be risky. It is dramatically different from talking generally about e-government, and how this may usher in a new era of transparency – possibilities that are more abstract than concrete, and therefore much safer to discuss. This difficulty demonstrates the value of the theme and serves to provide a reality check – much needed in this era where governments and businesses from north, south, left and right are optimistically engaging in partnerships to “open” government and use the internet to enhance transparency. Talking about transparency is much easier than dealing with its consequences.

As the title of GISWatch 2012 also suggests, “corruption” is often read through the lens of other conceptual concerns. This year several thematic reports assume different points of entry on the issue: whether directly, such

as Transparency International's critique of e-government projects and the impact they have on corruption, or more indirectly, for instance, through considerations of transparency and privacy. The role of the youth in “activism online” is also discussed, while, in our mapping section, Tactical Tech looks at using visual evidence effectively to expose corruption.

As is usual with GISWatch, the thematic reports published here form the bedrock for the country reports that follow, covering both developing and developed countries, such as the United States, Canada, the Netherlands, Pakistan, Argentina, Ethiopia, Occupied Palestinian Territory, Lebanon, China and even Vanuatu.

The internet is a powerful source for increased access to information about corruption, and how, and by whom, it is perpetrated. But it cannot substitute for the role played by the media and civil society activists. We are pleased to present the sixth edition of the GISWatch report. We believe it is essential for civil society networks to participate in and watch over ICT policy processes at global, regional and national levels. ■

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Introduction: The new omnipresence

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A tale of two bribes

The first time I paid a bribe in Mexico City I was caught by surprise. Admittedly, I had broken the law. In 1989 the Mexico City government passed legislation¹ which required that on every second Saturday of the month all vehicles with licence plates ending in 7 were not allowed to circulate. And here I was, a newcomer to the city, a licence plate ending with 7, and driving in unintended defiance of the law.

Two weeks earlier I had started a new job with Omidyar Network, the philanthropic investment firm of eBay founder Pierre Omidyar. I was hired to help build the movement of open government in Latin America; to give support to entrepreneurs who use new technologies to strengthen civic participation and government accountability. The likelihood that I would now bribe a police officer to evade my warranted sanction seemed preposterous.

I rolled down the window, handed the police officer my driver's licence, my car registration, and awaited my citation. If only it were so easy. The officer informed me that, due to the gravity of my infraction, not only would I have to pay a fine of around 5,000 pesos (USD 380) but my car would also be impounded for 24 hours. Like a practised salesman, the officer went on to list the many ways I would be inconvenienced if I were to go by the book rather than to "work out a deal." Still, I refused to pay the bribe, and was made to follow the police officers to what was allegedly the nearest police station, some 30 minutes away in the middle of an abandoned industrial area. I began to fear for my safety. I was now sitting in front of the desk of what was clearly a higher-ranking officer, who began to make increasingly aggrandised claims while I silently punished myself for not having my cell phone to record his every word. By the end of our protracted and surreal negotiations I was left with two choices:

1) pay a USD 200 bribe and return home to enjoy the rest of my Saturday afternoon, or 2) surrender my car until Monday morning when I could begin a lengthy bureaucratic nightmare involving multiple trips to government offices, banks, and the tow pound. Such is the story of my first bribe in Mexico City, which taught me several lessons.

First I learned that Mexico City's civil society was still not as coordinated and innovative as the city's corrupt police officers. Upon leaving the police station I was awarded a stamped card that looked more official than anything I had seen from the Mexico City government. "If any police officer pulls you over on your way home," I was told, "just flash them this card and they'll leave you alone." Various police units across multiple jurisdictions had coordinated to produce a system of illicit cards to register those who had already paid a bribe. Indeed, a motorcycle-mounted police officer pulled up to my window, eagerly awaiting his own bribe, and then sped off in disappointment when I showed him my I-paid-a-bribe card.

Second, I learned that corruption flourishes with poorly designed laws, no matter how benevolent their intentions. Mexico City's "Hoy No Circula" legislation, which prohibits vehicles from circulating on select days depending on the last digit of the licence plate, was implemented just before the United Nations declared² it the most polluted city in the world. In theory the law removes 20% of cars from driving on city streets any given day, which has contributed to Mexico City's impressive reduction³ of air pollution over the past 20 years. But the poorly designed incentives (why impound the vehicle for 24 hours?) have led to a culture of enforcement in which local police officers do little more than constantly scan the last digits of all licence plates, certain that the forgetful offender will infallibly pay the hefty bribe rather than endure the bureaucratic nightmare to legally resolve the infraction.

Finally, I was reminded that information is power, and that corrupt public officials depend on

1 en.wikipedia.org/wiki/Hoy_No_Circula#History

2 www.idrc.ca/EN/Resources/Publications/Pages/ArticleDetails.aspx?PublicationID=740

3 www.washingtonpost.com/wp-dyn/content/article/2010/03/31/AR2010033103614.html

information asymmetries to extract bribes from uninformed citizens. The police officer pulled out from his back pocket a well-worn, dog-eared booklet of transit laws to assure me that there was indeed a law prohibiting cars from circulating on select days. But the booklet included no information about the cost of the infraction, nor the significant detail of vehicle impoundment for 24 hours. In fact, even now, sitting at my computer with access to every single government website, I can find no official information about the cost of violating the Hoy No Circula programme. It is only on Yahoo Answers that I'm able to finally find the information, thanks to the contribution of a helpful, anonymous volunteer who clarifies⁴ that the official cost of the infraction is "20 times the daily minimum wage plus 120 pesos for the 'parking' at the tow pound." All in all, the official infraction costs roughly 1,250 pesos, not 5,000 as I was repeatedly told by multiple police officers.

My next experience with Mexican bribery would come several months later when I was driving along the outskirts of Toluca, a mushrooming commuter town outside of Mexico City. Again, I must admit that I had broken the law, driving some 15 kilometres per hour above the posted speed limit. However, in my defence, I am compelled to add that I was driving slower than five cars that passed by in plain view of the police officer who decided to pull me over after noticing my foreign complexion.

Unlike my previous run-in with Mexican police, this time I was much better prepared. I had downloaded a USD 2 application for my iPhone called Antimordidas⁵ (anti-bribes), which contains the entire legal code and the cost of every infraction imaginable. I also had downloaded the Ustream iPhone application,⁶ which allows me to record and broadcast video at a moment's notice. Ustream integrates with my social networks, immediately notifying my friends and followers when I begin broadcasting.

Before the police officer could even walk up to my window, I was already covertly recording the event. I was also searching my anti-bribes application for the exact cost of my infraction before the police officer could assert his own inflated claim. Confident that the cost of the citation was no more than USD 30, I happily requested that the police officer punish my infraction, but he resisted. In desperation he returned to his car, explaining that he needed to verify my immigration status with the authorities to ensure that I wasn't breaking any further

laws. Minutes later his partner approached the car, offering his best imitation of the good cop/bad cop routine. When he was made aware that I was recording our interactions, he immediately became defensive and aggressive. As I listen back over the recording now, I can hear the slight tremble in his voice as he tells me that it is illegal to record a police officer, a claim I have neither been able to prove nor disprove despite various consultations with legal experts. Once again, I began to feel fearful for my safety; the police officer was clearly agitated and unsure of how to react. I imagine he was considering the security of his job, even the threat of legal action were the video to reach his supervisor. Still, for some reason, I felt more secure knowing that my cell phone was recording our every interaction than I did a few months back without it.

The two officers were nearly yelling when they told me to drive on, and to never record a police officer again. Emboldened, I responded that I wanted to be cited for my infraction, but they refused. Shaking my head in a mixture of relief and irritation, I drove off and tried to enjoy the rest of my day.

Pocket-sized accountability

I am not alone in discovering the utility of a pocket-sized global video broadcaster (that is, a modern cell phone) to hold corrupt police officers accountable. The power of the personal video recorder as a protector of civil rights first entered the mainstream in 1991 when the police beating⁷ of Rodney King was recorded by casual bystander George Holliday.⁸ The incident and subsequent trial gave rise to a movement of police accountability (or "copwatch")⁹ organisations around the US. The following year rock star activist Peter Gabriel, inspired by the Rodney King trial, formed WITNESS,¹⁰ a global organisation that uses video to empower human rights organisations to hold the powerful to account.

As camcorders became embedded in cell phones, human rights and civil liberties organisations were presented with a powerful new ally, but also unprecedented challenges (more about those later). From Puerto Rico¹¹ to Phnom Penh¹² to Cairo¹³

4 mx.answers.yahoo.com/question/index?qid=20100107103031AAO2gNt

5 www.eluniversal.com.mx/notas/684291.html

6 www.ustream.tv/everywhere

7 en.wikipedia.org/wiki/Rodney_King#Incident

8 articles.nydailynews.com/2012-06-19/news/32321421_1_symbol-of-police-abuse-george-holliday-famous-home-video

9 en.wikipedia.org/wiki/Copwatch

10 www.witness.org/about-us

11 blog.witness.org/2011/09/video-advocacy-example-police-violence-in-puerto-rico

12 blog.witness.org/2011/09/video-captures-police-destroying-homes-beating-locals-in-phnom-penh

13 www.youtube.com/verify_controversy?next_url=/watch%3Fv%3Da8KG5N_yq15

to New York,¹⁴ there is no shortage of graphic examples of police brutality documented by regular citizens on their mobile phones. A quick search on YouTube reveals multiple videos of police officers requesting bribes in Thailand,¹⁵ India,¹⁶ and the US.¹⁷

Advocacy organisations like the American Civil Liberties Union of New Jersey and New York have developed smart phone applications (called Police Tape¹⁸ and Stop-and-Frisk Watch)¹⁹ to encourage constituents to document their interactions with police officers. A similar application, called the Emergency Alert and Personal Protection app,²⁰ was developed in Arizona to inform immigrants of their rights and to send out alerts when they have been stopped by a police officer. With or without these new smart phone applications, we can only expect more citizens to publish more videos of police intimidation, bribery and brutality at an increasingly frenzied pace as smart phones decrease in price and expand in penetration.

The use of new technologies to hold the powerful to account is not limited to the police. In India, the website I Paid a Bribe²¹ has collected over 20,000 reports of bribery to determine “the market price of corruption”. In Dehra Dun an anonymous reporter paid²² 500 rupees for a passport. In Chennai a new resident paid²³ 9,500 rupees to get personal goods through customs while another paid²⁴ 1,000 rupees to bribe the registrar’s office to change the name on his property title. All reports on I Paid a Bribe are anonymous,²⁵ which protects the safety of the users, but also prevents authorities from investigating their claims. That will soon change when video camera-enabled smart phones become affordable for the majority of Indians, enabling the anonymous publication of videos that clearly identify corrupt officials. (It is estimated²⁶ that 200 million Indians will have smart phones by 2015.) We can see glimpses of this future today in the investigative reporting

of citizen journalist Mukesh Rajak who in 2010 recorded testimonies²⁷ of students and parents complaining of the bribes they were forced to pay teachers. Two weeks later the school’s headmaster was removed²⁸ and all teachers were sternly warned by the district auditor not to continue soliciting bribes.

In the UK, former Conservative Party co-treasurer Peter Cruddas was forced to resign when an anonymous observer uploaded secretly filmed footage that revealed²⁹ Cruddas offering access to Prime Minister David Cameron for a political donation of £250,000. But not in all cases does the publishing of such videos lead to justice and accountability. Weeks before Mexico’s 2012 national elections, an online video surfaced³⁰ of a local Mexico City politician requesting sexual favours from an employee who sought her end-of-the-year promotion. Weeks later he was elected in a landslide vote to a more prominent position. Despite protests and petitions, he still remains in office.

Cameras everywhere and the transparent society

While concealed cameras can capture a politician or police officer demanding a bribe, they can also lead to a young man’s suicide. This is what happened in September 2010 when a Rutgers University student secretly filmed and published³¹ Tyler Clementi, his gay roommate, kissing another man. Three days later Clementi grabbed some food, walked to the George Washington Bridge, published his last update to Facebook (“Jumping off the gw bridge sorry.”) and ended his life. Clementi’s suicide is an extraordinary example of an increasingly ordinary activity, cyber bullying – intolerance in the networked age.

In 2011, nearly 20 years after its founding, the video advocacy organisation WITNESS published a significant report titled “Cameras Everywhere”.³² In the words of co-founder Peter Gabriel: “Technology is enabling the public, especially young people, to become human rights activists. With the global distribution of mobile phones, our original dream of getting cameras to the world is being realised and with that come incredible opportunities.” But, while recognising those opportunities, the report is also a

14 www.huffingtonpost.com/2008/07/30/nypd-officer-beats-man-wi_n_115819.html

15 www.youtube.com/watch?v=2zx3ilhAH1Q

16 www.videofy.me/u6jt8j3r/513844

17 www.youtube.com/watch?v=mKmx6X2XnF8

18 play.google.com/store/apps/details?id=org.aclunj.policetape&feature=search_result#?t=W251bGwsMSwxLDEsImlyZ5hY2x1bmoucG9saWNldGFwZSld

19 mashable.com/2012/06/14/nyclu-stop-and-frisk-app

20 www.voxi.com/smartphone-app-for-immigrants-protection

21 ipaidabribe.com

22 www.ipaidabribe.com/bribe-central/bribe-liu-police-verification

23 www.ipaidabribe.com/bribe-central/paid-bribe-chennai-customs-releasing-goods

24 www.ipaidabribe.com/bribe-central/registration-change-owner-property

25 www.ipaidabribe.com/content/privacy-policy

26 www.zdnet.com/blog/india/after-airtel-chairman-google-india-chief-wants-cheaper-phones/976

27 indiaheard.videovolunteers.org/mukesh/pay-bribetake-education

28 indiaheard.videovolunteers.org/mukesh/indiaheard-impact-corruption-ends-in-school

29 www.bbc.co.uk/news/uk-politics-17503116

30 www.jornada.unam.mx/2012/06/16/capital/033n2cap

31 en.wikipedia.org/wiki/Suicide_of_Tyler_Clementi

32 www.witness.org/cameras-everywhere/report-2011

sober examination of the new challenges that have arisen along with the new opportunities.

Activists in Myanmar, Iran, Egypt, Syria, Bahrain and Tunisia have famously used mobile phone cameras and social networks to distribute videos of human rights abuses. But the *Cameras Everywhere* report warns that some authoritarian governments have reacted by searching through those very videos to identify dissidents who are later detained and tortured. In a far less severe example of the lasting consequences of online video, an entire generation of young people is now struggling to enter adulthood – and the workplace – in the face of embarrassing photos and videos from their first interactions with alcohol that remain irreversibly in the ever-expanding public sphere. Some potential employers are even asking³³ job candidates for their Facebook passwords before offering them a job. “Revenge porn”³⁴ websites solicit nude photos and videos of ex-girlfriends and ex-boyfriends, leading to several lawsuits and a new sub-genre of commercial porn where professional adult actresses pretend they are everyday ex-girlfriends.

Though it can often seem otherwise, a ridiculously small percentage of daily reality is now recorded on video, and an even more minuscule percentage of that video is shared online. Soon that will change. Already the USD 179 Looxcie camera³⁵ is about the size of a Bluetooth earpiece and records up to 10 hours of continuous video, which can be streamed instantly to Facebook at the click of a button. But the Looxcie pales in comparison to what will be possible when Google launches its much-awaited augmented reality glasses³⁶ that not only record everything you see, but also provide you with real-time information about the individuals and objects in your field of vision.

The glasses aren’t expected to be available to the public until late 2013, but already Google is publishing videos³⁷ of its employees using the glasses while skydiving, or to record special moments with their children. The Google videos are markedly different in tone and content from a thesis project by two Israeli art students, Eran May-raz and Daniel Lazo. Their seven-minute video³⁸ explores a world where everything we see is mediated through layers of information and gamification. The protagonist is awarded points for properly cutting a cucumber and

is given some much-needed tips to help recognise the body language of his blind date.

Google’s augmented reality glasses will undoubtedly help parents preserve memories of their children, and they will also help empower citizens who otherwise may be victims of corruption or even police brutality. But we should not be so naïve as to believe that these Google glasses will only be pointed at infants and powerful authorities. They will also be used to spy on roommates, upload intimate exchanges with former lovers, and identify human rights activists and whistleblowers who will be punished by repressive governments and corporations.

Reciprocal accountability and the new omnipresence

By 1998 science fiction writer David Brin had already foreseen the coming world of radical transparency, what he called “The Transparent Society”.³⁹ Along with Canadian augmented reality researcher Steve Mann,⁴⁰ Brin coined the term “sousveillance” as an antidote to surveillance. While surveillance is derived from the French, meaning “watching over”, sousveillance means “watching from below” and represents a kind of peer-to-peer reciprocal accountability where citizens are empowered to “watch the watchmen”.

The powerful, Brin asserts, will always use their power to surveil the powerless. Parents surveil their children, employers surveil their employees, and governments surveil their citizens. However, rather than fighting against such surveillance, which Brin sees as inevitable, he encourages us to fight for our right to sousveil.

Most civil liberties organisations were outraged by the signing of the Patriot Act in the US because it granted the government new powers to secretly search private homes, monitor online activity, and request records from public libraries that reveal individual reading habits. Brin, however, asserts that the real crime of the Patriot Act is that it makes it more difficult for citizens to request information from their government. The George W. Bush administration became the most secretive US government in modern US history, and Barack Obama, though he has made high-profile claims of tech-enabled openness, has done little to reverse the culture of official secrecy. According to a recent report⁴¹ by the Washington Post, “by some

33 www.telegraph.co.uk/technology/facebook/9162356/Facebook-passwords-fair-game-in-job-interviews.html

34 www.salon.com/2011/02/28/exgirlfriend_porn

35 www.looxcie.com/overview

36 en.wikipedia.org/wiki/Google_glasses

37 plus.google.com/111626127367496192147/posts

38 vimeo.com/46304267

39 en.wikipedia.org/wiki/The_Transparent_Society

40 eyetap.blogspot.ca

41 www.washingtonpost.com/world/national-security/obama-administration-struggles-to-live-up-to-its-transparency-promise-post-analysis-shows/2012/08/03/71172462-dcae-11e1-9974-5c975ae4810f_print.html

measures the [Obama] government is keeping more secrets than before.”

Such over-classification of government information, argues⁴² former New York Times executive editor Bill Keller, has contributed to an increasing number of leaks and an increasingly hysterical reaction by government authorities. US Senator Dianne Feinstein, a notable congressional leader herself,⁴³ has introduced a bill that, in the words of Keller, “would forbid background briefings on intelligence matters by anyone except an agency’s director, deputy director or public-affairs spin doctors – thus cutting out the officers with firsthand knowledge and silencing those who question the party line. It should be dubbed the Keep Americans in the Dark Act.” Even if such paranoid legislation is passed, it won’t prevent the continued growth of anonymous leaks. Much like the programmers of piracy platforms are always a step ahead of the media industry⁴⁴ that tries to shut them down, technologists behind sites like WikiLeaks and the dozens of copycats are always a few steps ahead of the slow-moving authorities that attempt to silence them.

New technologies like mobile phones, bribe-reporting platforms, social networks, and Google glasses are important additions to the toolkit of rights activists, whistleblowers, and everyday citizens subjected to corruption and official misconduct. But we should not overestimate their importance in the context of the long struggle for political accountability. Throughout all civilisations historians have documented leaders ruling with impunity and injustice. More than 300 years ago, John Locke anonymously published his *Two Treatises of Government*, which acknowledges that humans are disposed to become corrupted

by power, but that civil society – armed with free association, public protest, and the law – can mitigate such corruption with accountability. Locke’s ideas would later influence the US Declaration of Independence, the US Constitution, the French Revolution, and Social Contract Theory. Today unjust rulers, such as former Argentine dictators Jorge Videla and Reynaldo Bignone,⁴⁵ are increasingly held to account for their crimes. New technologies will help hold current and future leaders to account, but their effectiveness is dependent on a fair and autonomous legal system.

New technologies also present new challenges, as the suicide of Rutgers University student Tyler Clementi so painfully demonstrates. But let us be clear: the death of Clementi was not caused by the invention of the web cam, or even the covert spying of his college roommate. No, the root of Clementi’s suicide was intolerance. After all, being recorded kissing someone on video is something that has happened to many of us, but few of us felt so disenfranchised as a result. Shortly after revealing his homosexuality, Clementi wrote to a friend that “mom has basically completely rejected me.” He didn’t end his life because he was caught on video kissing someone else. He ended his life because of gross, unjust discrimination against gays.

In an era of reciprocal accountability we are all inclined to fear omnipresent observation – not the divine judgement of the second millennium, but rather the constant, networked, live-streamed observation of the third millennium. It sounds exhausting, and often is, but if we aspire to our better selves, if we are tolerant of those who are different, if we always grant the benefit of doubt when lacking sufficient context, then reciprocal accountability might grant us all greater freedom and prosperity. ■

42 www.nytimes.com/2012/08/06/opinion/keller-the-leak-police.html?pagewanted=all

43 www.salon.com/2012/07/24/dianne_feinsteins_espionage

44 www.nytimes.com/2012/08/05/sunday-review/internet-pirates-will-always-win.html

45 www.csmonitor.com/World/Americas/Latin-America-Monitor/2012/0711/Argentina-takes-steps-to-bring-Dirty-War-eras-criminals-to-justice-before-death

Thematic reports

Governments using ICTs for integrity and accountability: Some thoughts on an emergent research and advocacy agenda

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www.transparency.org

False dawn, window dressing or taking integrity to the next level?

Introduction

The experience of developed and developing countries indicates that electronic reforms in the fight against corruption are the most effective methods in the implementation of the fight against corruption. (Centre for Economic and Social Development Azerbaijan: CESD Anti-Corruption Strategy for the Republic of Azerbaijan, April 2011)

E-government is seen more than ever as at the core of public sector reforms. (OECD Government at a Glance 2011)

Imagine you are an NGO lobbying your government to clean up one of the most notorious areas for corruption: public procurement. In response, the government declares that a centrepiece of its anti-corruption strategy will be an electronic procurement system that will make corrupt interference all but impossible. What do you do? Do you applaud this move?

Imagine you are a policy maker intent on curbing corruption in the judiciary and you know that case backlogs offer a serious entry point for corruption. Now some IT consultants strongly suggest installing an electronic case management system to tackle this issue head on. Do you purchase and deploy it?

Imagine you are a public administration expert and the tax authorities in your country turn to you for advice on whether they should follow the example of their peers in a neighbouring country and

introduce electronic filing of taxes to root out corruption in tax collection. What will you suggest to them?

Corruption – everywhere and hard to weed out

Corruption, defined as the abuse of entrusted power for private gain, is commonly recognised and amply documented to be one of the most fundamental and most vexing societal problems around. Evidence from all over the world shows that corruption – from bribery and cronyism to undue influence and policy capture – deprives particularly the poorest of the very goods and services that are fundamental to their livelihoods, such as access to water, health, food or educational opportunities. Corruption fuels ethnic tensions and corrosive public distrust of the central institutions of collective governance. Corruption has been documented to stunt development, stymie our collective response to climate change and blunt our ability to construct fair societies. It is closely linked to impunity, inequality and insecurity.²

The pervasiveness of corruption also makes it very difficult to plot viable paths for reform and change. Rooting out corruption in institutions where it is deeply entrenched presents a daunting and often seemingly insurmountable challenge for government reformers for at least three reasons. First, collective action problems abound. When all your colleagues pay off the boss to gain a promotion or the teacher to enhance their kids' test results, you are pressured to join in so that you are not left behind. Second, sustainable integrity will not only require carrots and sticks, but also a change in values and norms. But changing organisational or communal cultures, however, is

¹ Dieter Zinnbauer works on emerging policy issues for Transparency International. This article presents the personal opinion of the author and does not necessarily reflect the views of Transparency International. This is a work in progress. Please do not quote or cite without the permission of the author. Comments are always most welcome to: dzinnbauer@transparency.org

² For examples and a compilation of empirical evidence on these and many other instances of corruption, see, for example, the Global Corruption Report series published by Transparency International, which invites academic experts and practitioners to explore corruption issues in a specific sector every year, e.g. construction and post-conflict reconstruction (2005), health (2006), judiciary (2007), water (2008), business (2009), climate change (2010/11) or education (forthcoming 2013). For general overviews see, for example, Bardhan, P. (1997) Corruption and Development: A Review of Issues, *Journal of Economic Literature*, 35(3), or Svensson, J. (2005) Eight Questions about Corruption, *Journal of Economic Perspectives*, 19.

a long-term, laborious project with uncertain outcomes. Third, corrupt systems are often built on interlocking interests and deep networks of patronage and cronyism across administrative and political hierarchies. As a result, well-meaning reformers might find themselves outflanked by higher tiers of the bureaucracy or political principals that stand to benefit from the corrupt system on the ground. This makes corrupt networks extremely resourceful and effective in thwarting attempts to shut them down.

Technologies to the rescue?

The potential of ICTs to fight corruption

Facing such an uphill struggle, it is not surprising that government reformers and anti-corruption fighters pin their hopes on technology as a potentially transformational tool to help cut the Gordian knot of corruption, shake up these entrenched systems of corrupt incentives and interests, and offer real prospects for more integrity and accountability. New ICTs might be – and are indeed often promoted as being – one of the answers. Just looking at their potential functionalities, they can be plausibly expected to address a long list of institutional deficiencies that are believed to foster corruption.

Some of the main expected benefits from ICTs, as expressed in the research and policy literature, include the anticipation that they will:

- Reduce information asymmetries between principal (office holder) and client (citizen) so that the latter finds it easier to assert his or her rights without corruption interfering.
- Limit the discretion of office holders to diverge from applicable rules in the exercise of their duties.
- Automate specific processes and/or reduce direct, frequent, personal interaction between a specific office holder and an individual citizen, a proximity that can foster collusion and corruption.
- Cut out gatekeepers and intermediaries that often act as go-betweens to facilitate bribe payments or demand their own illicit cut to make a business deal happen in the first place.
- Reduce red tape in public bureaucracies and through this remove potential entry points for extortion and corrupt rent-seeking.
- Make transactions with public officials and the performance of the latter more transparent, documentable and auditable, deterring corrupt behaviour.

- Provide a growing repertoire of collective action tools and platforms for citizens to organise, report and mobilise against corruption.

These and many other expected features are well referenced in a large number of policy reports, prospective essays and conceptual discussions. In a nutshell, hopes that technology can make a very important contribution to the fight against corruption are extremely high.³

High stakes, yet little empirical evidence to guide implementation and constructive advocacy

Given the high hopes attached to ICTs, governments around the world – from local to national to regional level – are rolling out high-profile ICT modernisation projects, often tied to bold claims about how these initiatives are meant to boost accountability and integrity. The 15 core EU countries are estimated to have spent as much as 35 billion euro on ICTs in 2004 alone, including 11.5 billion on e-government activities.⁴ And by 2010, the total annual ICT spending by governments around the world was estimated to have reached a whopping USD 423 billion.⁵

The transformative impact of these investments is already evident. By 2010 on average more than 80% of businesses and 40% of citizens in OECD countries were already interacting with public authorities online.⁶

This flurry of activity is by no means confined to industrialised countries. As of 2004, for example, more than 90 developing countries were busy developing national ICT strategies.⁷ Almost three quarters of all World Bank projects between 2003 and 2010 included ICT components, and these technology elements were considered particularly important for achieving the intended objectives in public sector governance reform projects.⁸

3 For a summary of expected benefits see, for example, Gronlund, A. et al. (2010) *Increasing transparency and fighting corruption through ICT: Empowering people and communities*, SPIDER ICT4D Series No. 3; for a forward-looking analysis for policy makers, see Frissen, V. et al. (2007) *The future of eGovernment: An exploration of ICT-driven models of eGovernment for the EU in 2020*, Institute for Prospective Technological Studies, European Commission.

4 Codagnone, C. (2006) Expenditure Study, eGovernment Economics Project, eGovernment Unit, DG Information Society and Media, European Commission.

5 Task Force on Financial Mechanisms (2004) *Report of the Task Force on Financial Mechanisms for ICT for Development*.

6 OECD (2011) *Government at a Glance*, OECD, Paris.

7 Task Force on Financial Mechanisms (2004) op. cit.

8 World Bank Independent Evaluation Group (2011) *Capturing Technology for Development: An Evaluation of World Bank Group Activities in Information and Communication Technologies*, World Bank, Washington D.C.

As this overview shows, the stakes are extremely high. The technology projects that are being undertaken in the name of integrity are of immense ambition and scale. Governments are often the single largest consumers and users of ICTs in a country and some of the most ambitious ICT adopters are found in high-corruption contexts: almost half of the 25 countries around the world whose governments are believed to prioritise ICTs the most are perceived to face rather high levels of corruption in the public sector.⁹

So, given these high hopes and ambitions, the questions of how successful the many projects undertaken in the name of enhancing accountability and integrity are, and how they can be most effective in their role in the fight against corruption, are absolutely essential. A first quick scan of the evidence yields very uneven and mixed results. It casts some serious doubts on all-too-inflated claims about a near automatic benign impact of these technological fixes on corruption. And at minimum it strongly suggests that more research and more monitoring and constructive, competent engagement by civil society are crucial to ensure that the integrity and accountability potential of these technologies is fully exploited and related initiatives are not just used as window dressing by reform-resistant governments.¹⁰

Uneven attention, uneven learning and advocacy

Right now, however, there are reasons to doubt that this research will come forth, and the related watchdog functions be fulfilled. Civil society engagement and an evidence-centred policy discourse on crucial technology uses by governments that are carried out for purposes of integrity and accountability are rather limited.¹¹ Instead it appears that much of the public attention and policy analysis in the

area of ICTs for governance have so far focused on the citizen side: how ICTs can empower citizens to hold officials to account and mobilise against corrupt rulers, and how governments can facilitate this by creating enabling conditions, from promoting ICT access and skills to adopting open government standards or devising participatory online processes. These issues are already being abundantly explored, from public discourse to specialised research debates, and a very active research and policy advocacy community has formed around them.

The other, important side of the coin, however – the use of ICTs for integrity purposes by governments and administrations themselves – has received comparatively limited attention in the broader policy community and research community. What are the insights and lessons that could be learnt from the first batch of e-governance applications in this regard, to make them more effective in the future, to help other governments avoid dead ends, and to help interested civil society groups to critically and constructively accompany related government efforts?

Why hopes are high but under-examined

On the surface, this uneven attention is surprising. To put it provocatively, it looks like all attention has shifted to government 2.0, the empowerment and networked oversight of citizens through ICTs, and rather short shrift is given to government 1.0, or the use of ICTs by governments for their core tasks and services.

On closer inspection, the reasons for this attention shift are becoming clearer. A peculiar confluence of interests to create big hopes (industry) and to buy into them (governments), compounded by the inability or lack of interest on the part of civil society NGOs to competently monitor and comment, prepare the ground for this. The ICT industry is keen on selling high-margin, big-ticket technology projects to the public sector, a customer that is perhaps often not as difficult and discerning as private industry clients. In addition, governments are eager to showcase progressiveness and innovation leadership or want to be seen to be active in fighting corruption, and find ICT solutions an appealing tool to project this image. At the same time, civil society organisations working on corruption issues are eager to promote practical solutions, and they are open to trying out new high-potential weapons against corruption. But many of them may not have the resources and expertise to evaluate bold technology claims and complex implementations in great detail – while technology activists are inclined

9 High corruption in the sense that they do not rank among the 40 countries around the world that are perceived to face the lowest levels of public sector corruption. Source: Author's calculation based on the World Economic Forum Executive Opinion Survey, 2010 and 2011 editions, and Transparency International Corruption Perceptions Index 2011.

10 For an elaboration of these claims and an overview of the evidence in the four areas of e-procurement, electronic judicial case management, e-taxation and electronic ID cards, see the more extensive background paper by Zinnbauer, D. (2012) forthcoming on SSRN.

11 There are obviously some exceptions to this general observation. For example, TI groups in Slovakia and Hungary are utilising procurement data for their corruption analysis. TI Georgia has commented on the usability of the e-tender system in the country. TI India has developed an electronic procurement integrity matrix, while TI groups in the US and Mexico have undertaken research and advocacy work on electronic procurement. Regarding the latter, see, for example, TI USA (2011) *A work in progress: Implementation of the APEC government procurement transparency standards in Mexico, Peru, Vietnam, Indonesia and the Philippines*; and Transparencia Mexicana (2012) *A new role for citizens in public procurement*.

to focus on freedom of expression or privacy implications of government technology use, and do not view the impact on integrity as a big priority to examine and monitor.

Finally, scholars, no matter if they belong to the camp of technology optimists or sceptics, tend to focus their energy on the more popular and exciting social media/citizen empowerment side of ICTs or, if they examine government use of technology, they tend to focus on the efficiency dimension. The result is a research, advocacy and policy debate that pays only limited attention to tracking, probing and helping to improve the many technology projects that governments have embarked upon in the name of tackling corruption and boosting integrity.

This is unfortunate, particularly because anecdotal evidence and what we know about how technologies are being shaped and implemented provide some reason to be sceptical about overly exuberant predictions of how potential functionalities actually translate into impact.

It has long been received wisdom on the industry side, for example, that as many as two out of three large-scale ICT projects fail to achieve all of their intended results. Even if this number may appear a bit exaggerated, it still points at a

relatively high failure rate. For governance-related projects such a rate is confirmed, for example, by a World Bank evaluation report for the Bank's 2003-2010 ICT project portfolio that finds that only "about half of ICT components in projects supporting public sector governance are likely to achieve their intended result."¹² Moreover, a vast body of in-depth research on how technologies in many fields are being adopted provides ample evidence that functionalities and impact are by no means predetermined by technological properties, but are being actively shaped, filtered, subverted and altered by contextual factors, unexpected circumstances or influential user groups that make them serve their own interests.

Yet lessons from meticulous studies of technology development and adoption also highlight the role that careful analysis, awareness raising, technology design, enabling policies and related advocacy can play in realising the desirable social potential and impacts of technologies.

Taken together, all these insights confirm the need and urgency to look more closely at how governments' use of integrity technologies works out in practice, and how an essential ecology for related research and advocacy can be nurtured.¹³ ■

¹² World Bank Independent Evaluation Group (2011) *op. cit.*

¹³ For some ideas on how to map the degree of research and civil society engagement, identify critical gaps and plot a way forward, see the related background paper by Zinnbauer, D. (2012) forthcoming on SSRN.

Secrecy, privacy and transparency: The balance between state responsibilities and human rights

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Introduction

In 1929, Walter Benjamin wrote that “[t]o live in a glass house is a revolutionary virtue par excellence... Discretion concerning one’s own existence, once an aristocratic virtue, has become more and more an affair of petit-bourgeois parvenus.”¹ For Benjamin, and for many other Western Europeans, the 20th century was a time of “porosity, transparency, light and free air,”² conceptualised in direct opposition to the opaque and furtive 19th century. Yet he failed to predict that, while the average citizen would over the next 80 years come under increasing scrutiny from every angle, the operations of the state would remain comparatively impenetrable. Criticising the utopian ideal of the glass house in his 1986 work *The Art of the Novel*, Milan Kundera complained: “Though it represents a public thing, bureaucracy is anonymous, secret, coded, inscrutable, whereas private man is obliged to reveal his health, his finances, his family situation...”

Despite the fact that, as of January 2012, over 90 countries around the world had implemented freedom of information (FOI)/right to information (RTI) legislation³ and many political parties around the world now campaign on platforms of openness and transparency, in many respects this situation persists today. There are three main reasons for this: a) FOI/RTI legislation is not applied sufficiently widely or consistently, both because certain bodies enjoy blanket exemption from it and because the laws themselves contain overly broad exceptions; b) when government-held data is published, it is often done so in such a way that it is extremely difficult for citizens to make sense of the information; and c) public officials frequently claim that

revealing certain information would be a breach of their right to privacy when they are in fact attempting to conceal dishonesty and wrongdoing.

Narrow focus, narrow freedoms

The existence of FOI/RTI legislation is predicated on the idea that government transparency should be the norm and that state bodies will only shield their actions from view temporarily and when it is in the public interest to do so. The Information Commissioner’s Office guidance to the UK Freedom of Information Act 2000 states: “Disclosure of information should be the default.”⁴ Yet some aspects of FOI/RTI legislation give public authorities far too much scope to restrict its application and remove whole sections of government from its scope. The US Freedom of Information Act (FOIA) 1966, for example, is one of the earliest and most influential examples of its kind, yet it only applies to the executive branch and independent departments and agencies and contains nine exemptions that have permitted many arbitrary denials of applications. There is also very little effective oversight of its operation and virtually no effective remedy available to citizens if agencies fail to meet their FOIA obligations.

Despite the Act’s inherent problems, most US presidents historically encouraged interpretations in favour of citizen access – but this all changed with September 11 and the Bush administration’s “War on Terror”. In 2004, Phillip Doty complained that “[t]he current administration, unfortunately, using 9/11 and other supposed ‘national security’ concerns, has turned things upside down – the former presumption that government should make records available unless there is a compelling case otherwise has now become a presumption that records should remain hidden from public view unless there is a compelling case made for their publication.”⁵ Barack Obama campaigned on a platform of transparency, and on his first full day as

1 Benjamin, W. (2005) Surrealism: The Last Snapshot of the European Intelligentsia, in Jennings, M. et al. (eds.) *Selected Writings Volume 2, Part 1: 1927-1930*.

2 Quoted in Buck-Morss, S. (1991) *The Dialectics of Seeing: Walter Benjamin and the Arcades Project*.

3 right2info.org/access-to-information-laws/access-to-information-laws-overview-and-statutory#_ftnref7

4 www.ico.gov.uk/for_organisations/freedom_of_information/guide/act.aspx

5 Doty, P. (2004) *Government, Secrecy and Privacy: Dare we frame the fearful (a)symmetry?*

president claimed: “My Administration is committed to creating an unprecedented level of openness in Government.”⁶ Yet Obama’s presidency has in fact been marked by increased resistance to FOIA requests at the agency level and in the courts,⁷ an unprecedented crackdown on whistleblowers and leakers⁸ and the disbursement of USD 10 billion on classifying official secrets. In January 2011, the Assistant Solicitor General told the Supreme Court that the administration “do[es] not embrace” the principle (well-established by decades of case law) that exceptions to FOIA should be “narrowly construed” because of the law’s presumption in favour of transparency.⁹

In the UK, Privacy International’s experience of making FOIA requests, particularly to the Metropolitan Police and other regional police forces, has been a disappointing one. Most of our requests have been met with point blank refusals in accordance with section 23(5) of the 2000 Act: the absolute exemption for information directly or indirectly supplied by the security services or relating to the security services. The Information Commissioner’s Office (ICO) guidance on section 23 states: “This exemption is not based on the content of the information or the likely effect of disclosure. It applies to all information supplied by or relating to one of these bodies, even if it does not relate to national security, or would not have a damaging effect if disclosed.”¹⁰ When drafting FOI/RTI laws, legislators should think carefully before including provisions that provide blanket protection for certain sections of government. Even bodies that deal with sensitive matters of national security should not be rendered entirely opaque and unaccountable, and including absolute exceptions of excessively broad scope allows public authorities to shield themselves from embarrassment under the banner of national security. Legislators should err on the side of transparency by making exceptions qualified rather than absolute whenever feasible, meaning that the public interest in maintaining the exemption must be weighed against the public interest in transparency.

Information overload

In her essay “The Fog of More”, Sarah Leonard commented that “the display of lots of information online has itself come to symbolize transparent, healthy democracy.” However, when governments focus their energies on simply publishing as much information as possible (what Leonard calls “the virtuous data dump”), the effect is ultimately counterproductive: the vast quantities of raw data are so daunting and difficult to parse that to the average citizen the operations of the state – far from being clarified – seem even more obscure.

The solution to this problem is twofold. Firstly, governments themselves could make more effort to publish information in intuitive formats, breaking data down by category or time period, ensuring that it is fully and effectively searchable by keyword, and publishing supplementary datasets to aid analysis. For example, in June 2010 the UK Treasury released several years’ worth of COINS (Combined Online Information System) data through BitTorrent. COINS is the system the Treasury uses to keep track of spending across the public sector. Two months later, they published the first in a series of additional datasets utilising the raw data, in the expressed hope of “mak[ing] key parts of the COINS data accessible, manageable and comprehensible to the wider public, whilst maintaining a low level of aggregation.”¹¹ However, the Treasury’s guide to the COINS release acknowledged that, even with these additional datasets, “the files are large and the data held within the files complex. Using these files will require some degree of technical competence and expertise in handling and manipulating large volumes of data. It is likely that these data will be most easily used by organisations that have the relevant expertise, rather than by individuals. By having access to these data, institutions and experts will be able to process and present them in a way that is more accessible to the general public.”

The Treasury was correct to assign the lion’s share of analysis to external parties. The problem with leaving the responsibility for categorising, aggregating, dissecting and analysing data entirely in the hands of governments is that such activity tends to involve imposing subjective hierarchies, meaning that the data is filtered through certain perspectives and priorities. While this is still the case when “institutions and experts” are performing the task, there will at least be a range of different interests at play, a reduced interest in concealing government error or corruption, and thus less potential

6 www.whitehouse.gov/the_press_office/TransparencyandOpenGovernment

7 www.politico.com/news/stories/0312/73606.html

8 www.politico.com/news/stories/0510/37721.html

9 www.freedominfo.org/2011/01/u-s-supreme-court-hears-corporate-privacy-case

10 www.ico.gov.uk/upload/documents/library/freedom_of_information/detailed_specialist_guides/s23_security_bodies_v1_fop097.pdf

11 www.hm-treasury.gov.uk/psr_coins_data.htm

for compromising the principles of transparency. Government bodies should encourage as much civic participation in data analysis as possible by widely advertising the availability of raw data and by rewarding the most innovative and useful approaches. For example, the NYC BigApps project offered USD 50,000 in cash and other prizes to software developers for the best new apps utilising New York City open data to help local residents, visitors and businesses.¹²

So-called “civic hackers” like the ones that participated in the BigApps challenge often pick up the slack when the state fails to provide even the most rudimentary tools for understanding the information it disgorges. The website Indian Kanoon was born of its developer’s frustration with the failings of the official Indian government judicial rulings website (www.judis.nic.in), which has extremely poor keyword search capabilities and does not order search results by relevance. As a result, the wealth of information it contains – over 1.5 million rulings – is rendered largely unusable. Sushant Sinha launched Indian Kanoon in January 2008. The website indexes judgements from the Supreme Court, the high courts and various tribunals and links them to the relevant statutes. Importantly, it provides all these tools free of charge.

Public access to, and understanding of, national law is crucial to any functioning democracy. As Sinha explained: “Even when laws empower citizens in a large number of ways, a significant fraction of the population is completely ignorant of their rights and privileges. As a result, common people are afraid of going to the police and rarely go to court to seek justice. People continue to live under the fear of unknown laws and a corrupt police.”¹³ Indian Kanoon is now helping to remedy that situation; it is used by approximately half-a-million unique users per month, widely promoted on Twitter and Facebook, and since March 2012 a mobile version has been available.

Privacy versus transparency?

The traditional expression of the relationship between privacy and transparency as a balancing act between the rights of the individual and the interests of the community is a false dichotomy that has led to a great deal of confusion in the operation of FOI/RTI laws. There is in fact a significant overlap in the contents of the two regimes, as former UK Information Commissioner Richard Thomas has noted: “Both involve the growing discipline of information

rights – or rather the information duties and obligations on those who are holding either personal or official information. Both are heavily concerned with transparency and access. Both have a wide horizontal impact affecting virtually every aspect of public, commercial and private life.”¹⁴

More broadly, both privacy and transparency are tools of public good essential for the proper functioning of a democratic society, and both are defences against abuses of power. Yet there are inevitably times when they come into conflict. For example, many records held by public bodies inevitably identify, or contain personal information about, their employees. It may well be in the public interest for there to be transparency about the salaries or salary brackets attached to certain roles, the level of seniority of officials responsible for making certain decisions, or which officials attended certain meetings with third parties. Public bodies also hold the kind of personal data many employers require of their employees, such as their home addresses, salary information, employment histories and photographs, and occasionally (though rarely), it may be in the public interest for some of this information to be revealed. Yet the right to information enshrined in domestic legislation cannot automatically trump the human right to privacy, or vice versa – one must always be weighed against the other.

Every national FOI/RTI law in the world has an exemption for personal privacy, and it is an extremely popular one; in the US the exemptions for personal privacy and law enforcement records concerning individuals have consistently been the two most frequently used exemptions, and in Canada, the privacy exemption was used in 31% of all refusals.¹⁵ Given the vast, and increasing, amounts of information about citizens held by most governments, strong safeguards designed to prevent the unwarranted release of sensitive personal details are crucial. However, it is equally important that the right to privacy not be used as a “fig leaf” for the mistakes or misdeeds of public officials. For example, during the battle for the publication of the expenses of British members of parliament (MPs), it was repeatedly claimed that disclosing certain information (e.g. detailed breakdowns of claims for running second homes) would be an invasion of the MPs’ privacy. When the courts finally ruled that such information ought to be disclosed, it became

¹² 2011.nycbigapps.com

¹³ www.technologyreview.com/tr35/profile.aspx?TRID=1049

¹⁴ Thomas, R. (2008) Freedom of Information and Privacy – the Regulatory Role of the Information Commissioner, paper presented at the Centre for Regulated Industries Occasional Lecture 21, National Liberal Club, London, UK, 9 January.

¹⁵ wbi.worldbank.org/wbi/Data/wbi/wbicms/files/drupal-acquia/wbi/Right%20to%20Information%20and%20Privacy.pdf

clear that many MPs had been abusing the system by wrongfully claiming thousands of pounds of taxpayers' money to cover bogus costs or extravagances far beyond the realm of acceptability.

Some cases may be considered less clear-cut. In 1998, the daughter of a Thai woman called Sumalee Limpavart was denied entry to the elite, government-run Kasetsart Demonstration School. Limpavart was told that her daughter had failed the entrance exam. She subsequently requested the test results for her daughter and the 120 successful applicants; the school refused, but she appealed to Thailand's Official Information Board for an order to force the school to release the information. While the appeal was in process, the school offered a compromise: an anonymised list of test results. To include the children's names, the school argued, would infringe their right to privacy. The list showed that a third of the students had also received a "failing" grade, but had nonetheless been given a place at the school. Limpavart suspected that these students were *dek sen*, children from privileged families who used social connections or bribes to secure their offspring's entrance to the (publicly funded) school, but it took another year before the Board ordered the disclosure of students' names. It then became clear that many of them came from prominent political and business families. The Thai State Council ultimately ruled that the school's admissions policy violated the constitutional protection against economic and social discrimination, and schools across Thailand were ordered to reform their admissions procedures.

In this situation, the anonymised list of test results was not enough to reveal the corruption at the heart of Thailand's education system; exposing (and thus ending) this corruption required that the children's privacy be invaded and their names published. Yet unlike the MPs, the children were not responsible for the misdeeds of their parents

and teachers. While the public good that flowed from this invasion was ultimately very significant, it was unclear beforehand that the publication of the children's names would benefit anyone except, possibly, Limpavart's daughter. The balancing of the right to information and the right to privacy is perhaps one of the more challenging aspects of FOI/RTI legislation, and getting that balance wrong can have disastrous consequences.

In conclusion, it seems that there is still room for improvement in both the drafting and the application of FOI/RTI legislation. Candidates for public office tend to pay lip service to government transparency but show little genuine commitment to it once in power. Officials still see both national security and privacy as "get out of jail free" cards allowing them to dodge requests for embarrassing information. And many governments have yet to learn that disorganised outpourings of information actually undermine transparency. Yet for dozens of countries, particularly in the developing world, FOI/RTI laws are still relatively new, and enthusiasm around them is high. People are aware that, when used effectively by citizens and applied correctly by public officials, they can be a powerful tool for combating corruption and holding the powerful to account. By contrast, government transparency seems to be dwindling in the US, which has had a Freedom of Information Act for over half a century. It may be that the right to information, like a muscle, needs frequent and vigorous exercise in order to function as effectively as possible. Regular FOI/RTI requests remind governments that state transparency is the rule, not the exception to the rule, and that every citizen has the power to expose dishonest or abusive systems at his or her fingertips. And although the role of the internet in realising and strengthening this power is not always a straightforward one, information technologies can be extremely valuable tools for promoting transparency and empowering citizens. ■

Transparency reporting

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Don't censor censorship: Why transparency is essential to democratic discourse

Introduction

As the internet has grown, so have the interpretations of how national laws should be applied and enforced. How governments and companies perceive their various roles in this debate has a direct impact on freedom of expression and privacy, and though their full extent remains unknown, today censorship of online content and the sharing of users' private data are established practices. It is how we approach this fact going forward that matters, and both governments and companies have a role to play in fostering an honest and informed conversation.

Every society must contend with questions around the sanctity of citizens' private information about what constitutes acceptable content. The goal of transparency is not to prescribe policy, but to create space for a democratic discussion of the trade-offs each society must ultimately make. As citizens and users, it is important to understand how and when our communications may be blocked or monitored, by whom and for what reasons.

Increasingly, those governments most eager to remove content and access users' private data are not "the usual suspects", but many Western democracies that concurrently support concepts of internet freedom. Ultimately, any policies with the potential to impact citizens' and users' rights to free expression and privacy must be subject to intense scrutiny. Transparency is essential to this process.

This report provides an overview of how some companies are already taking steps to be more transparent, and how these efforts can be expanded and improved upon. This includes a discussion about what types of companies should consider

transparency reports, and the relevant data that should be reported. Finally, we discuss the role of governments and how they can support a democratic discussion of these issues.

Why transparency?

Internet companies operate in a complex legal environment and restrictions of content online can differ greatly between countries. For instance, the United States' (US) Digital Millennium Copyright Act requires the prompt and thorough removal of content deemed to infringe copyright – a process initiated not by the government but private actors. In India, the Information Technologies Rules require websites to block content that could be considered harmful, harassing, blasphemous, defamatory or libellous,¹ while Thailand's Computer Crimes Act is actively used to prosecute individuals and even website operators for content considered defamatory to the royal family.² How companies interpret local laws – and how and when they comply – can have profound implications for freedom of expression.

A company's terms of service can also impact heavily on users' rights. Beyond their legal requirements, companies act as *de facto* sovereigns of their piece of cyberspace – in her book, *Consent of the Networked*, Rebecca MacKinnon describes these online kingdoms by names like "Facebookistan" and "Googledom". The community guidelines for the popular blogging site Tumblr explicitly forbid users from posting content that is "harmful to minors" or "malicious bigotry".³ Both Facebook⁴ and Tumblr⁵ have recently updated their policies to include content dedicated to self-harm and eating disorders. Despite their obvious impact on freedom of expression, there is little transparency around how companies craft these policies, or evaluate when and if violations have occurred.

1 www.mit.gov.in/sites/upload_files/dit/files/GSR314E_10511%281%29.pdf

2 See Tunsarawuth, S. and Mendel, T. (2010) Analysis of Computer Crime Act of Thailand, Centre for Law and Democracy, available at www.law-democracy.org/wp-content/uploads/2010/07/10.05_Thai_Computer-Act-Analysis.pdf

3 www.tumblr.com/policy/en/community

4 www.facebook.com/communitystandards

5 www.bbc.co.uk/newsbeat/17195865

Companies are also under increasing pressure to release their users' data. These requests typically come from law enforcement agencies and can include a user's identity, their files or the contents of their communications. In 2011 alone, mobile phone providers in the US complied with 1.3 million requests for user data.⁶ How companies make sense of these requests – and, crucially, when and if they comply – is a pivotal question.

The complex interplay between governments and companies in limiting freedom of expression and the right to privacy makes obvious the need for greater transparency. Law professor Derek Bambauer argues that the “legitimacy of censorship is best judged by the process through which a state arrives at blocking decisions.”⁷ This question of how policies are developed and their impact in practice applies to the question of surveillance as well.

However, debates on how data is used or content is blocked should not take place in a vacuum. Indeed, as MacKinnon notes in her book, Google's intent on publishing their transparency report was to “start a conversation about censorship and surveillance.”⁸ While some might argue that there is no legitimate basis to surveil a conversation, others are willing to accept the practice under a certain bar of due process. The same can go for the blocking of content. In his report, Frank La Rue, the United Nations Special Rapporteur on the Right to Freedom of Opinion and Expression, outlined cases in which online content may be blocked, provided it meets specific criteria – including a sufficient measure of transparency.⁹

Transparency reporting mechanisms are a vital component for debating both the efficacy and validity of content censorship and lawful interception of communications in an open society. These reports can be published by both companies and governments.

Existing transparency reports

A handful of companies have already begun to publish transparency reports.¹⁰ Google helped pioneer the practice, publishing their first semi-annual

report in September 2010.¹¹ Since then, Sonic.net, SpiderOak, LinkedIn, Dropbox and now Twitter have all released statistics that can provide details on content removal and compliance with requests for user data.¹² While Google and Twitter (which operate internationally) have more expansive transparency reports, other companies' transparency reports contain innovative ideas worth noting.

Government removal of content

Twitter and Google both document government requests for the removal of content. These are typically divided between requests from law enforcement and court orders, and are further subdivided by country. Significantly, both companies also include their rate of compliance – that is, the percentage of times they complied with takedown notices versus those they refused. Google further breaks down the requests by product and reason.

Removal due to copyright claims

Both Twitter and Google document copyright-related takedown requests. Google's report cites the number of notices and the compliance rate, while Twitter also includes the number of users/accounts affected and the number of tweets removed. Neither specifies in which country the request originates.

Google first included content removed as a result of copyright claims in May 2012.¹³ Its report reveals that Google receives thousands of copyright infringement notices on a weekly basis – between May-June 2012 alone, nearly two million URLs were requested to be removed from Google's search results. Significantly, Google does not include data on copyright removal requests for its other products like Blogger and YouTube. Twitter and Google both send copies of copyright takedown requests to the Chilling Effects Clearinghouse.¹⁴

Requests for user data

Several companies document government or court-ordered requests for user data, including Twitter, Google, Sonic.net, LinkedIn, SpiderOak and Dropbox. In its inaugural transparency report,

6 www.wired.com/threatlevel/2012/07/mobile-data-transparency/all

7 Bambauer lists four traits of “legitimate censorship”: it is openly described, transparent about what it restricts, narrow in the material to which it applies, and accountable to the people it seeks to protect. Bambauer, D. E. (forthcoming) *Orwell's Armchair*, University of Chicago Law Review; Brooklyn Law School Research Paper No. 247, available at SSRN: ssrn.com/abstract=1926415

8 MacKinnon, R. (2012) *Consent of the Networked: The Worldwide Struggle for Internet Freedom*, p. 245.

9 www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf

10 EFF discusses these in their report *Who Has Your Back*. Our intention is to provide more analysis and offer recommendations. www.eff.org/pages/who-has-your-back

11 mashable.com/2010/09/21/googles-transparency-report

12 To visit these transparency reports please visit:
Google: www.google.com/transparencyreport
Twitter: support.twitter.com/articles/20170002
Sonic.net: corp.sonic.net/ceo/2012/04/13/transparency-report
LinkedIn: help.linkedin.com/app/answers/detail/a_id/21733
SpiderOak: spideroak.com/blog/20120507010958-increasing-transparency-alongside-privacy
Dropbox: www.dropbox.com/transparency

13 googleblog.blogspot.com/2012/05/transparency-for-copyright-removals-in.html

14 www.chillingeffects.org/twitter, www.google.com/transparencyreport/removals/copyright/faq

Twitter documents requests for user data, total number of users impacted, and the percentage of requests complied with for 23 countries, while Sonic.net and SpiderOak publish data on requests within the US. LinkedIn publishes the number of requests received, member accounts impacted, and their compliance rate for five countries, including the US. Google also documents requests for user data, including the number of requests received per country (with some exceptions), the number of users/accounts associated with the requests, as well as the percentage that Google complied with. The data requests listed here refer only to criminal investigations.

Cloud services are particularly relevant with regards to user data requests. Dropbox documents how many times law enforcement requests data while Sonic.net subdivides these requests into civil subpoenas and law enforcement requests. Sonic.net also lists how much data was surrendered, including their rate of compliance. SpiderOak goes a step further and differentiates between federal law enforcement requests and state law enforcement requests. The company also lists how many court orders were issued, the number of times user data was surrendered, and the rate of compliance.

Additional transparency

Google includes real-time and historic traffic data in their transparency report, which can be used to document when services are not accessible in specific countries.¹⁵ In one famous case, the data from Egypt in January 2011 was used to document the precipitous falls in traffic as the internet service providers were shut down, one at a time.

Often, companies are forbidden from informing their users that they have turned data over to law enforcement. In order to circumvent this, some companies have implemented a “warrant canary”, an automated system telling users at regular intervals that their data has not been requested. If the canary falls silent, users should assume their data has been accessed.

Recommendations

Private industry

Copyright removal

Responding to copyright-related takedown notices is a unique challenge. This is by far the most common form of content removal, typically issued via private firms or individuals, and often involves interpreting complex questions of fair use and

intellectual property rights. Further complicating the matter are the safe harbour provisions in laws like the Digital Millennium Copyright Act, which grants immunity to service providers provided they remove the offending content within 24 hours. The sheer volume of requests, coupled with such restrictive response times, is a recipe for overblocking. Indeed, it is a well-documented occurrence.¹⁶

Given this reality, our recommendations are three-fold. First, companies must formulate and publish their internal mechanisms for processing requests, including a clearly articulated appeals process for users who feel their content has been removed unfairly or by mistake. Second, a regular transparency report should document the number of takedown notifications, the amount of content included in each request, the rate of compliance, the number of users affected, and the number of removal requests published. Finally, reports should also cite from whom the request originated and under which law or laws the content has been challenged. Where possible, companies should include the URL or at least a brief description and categorisation of the content that has been removed.

Additionally, users should be notified (as far as is possible) that their content has been removed. “Users” in this case refers not just to the content owner, but all users – visitors should be presented with a visible notification when attempting to access the original content. One example is the suggested 451 error code, inspired by the book *Fahrenheit 451*.¹⁷ Lastly, companies should publish the takedown requests through the Chilling Effects Clearinghouse or similar databases.

Faced with such an overwhelming number of takedown requests, companies are bound to make mistakes. The purpose of transparency is to give users the tools to detect them, and to provide an appropriate means of recourse when such accidents occur.

Government removal requests

Government removal requests take many forms, and any reporting should reflect this. Companies should first differentiate between requests that originate from government agencies and those from legal cases. Government agencies should be further subdivided into federal and local law enforcement – or any other state entities – and court-issued orders

¹⁵ www.google.com/transparencyreport/traffic/

¹⁶ www.openrightsgroup.org/blog/2012/new-reports-of-overblocking-on-mobile-networks

¹⁷ www.guardian.co.uk/books/2012/jun/22/ray-bradbury-internet-error-message-451

separated from informal requests (if such requests are to be honoured at all). Perhaps most importantly, reports should make clear the reason (citing any applicable laws) for the removal of content.

Without knowing the origin, justification and legal processes involved in a request, it is impossible to judge its validity. Speculating that Argentina blocks less content than say, Italy, invites only unfair comparisons. Equally important to the amount of content removed is the procedure through which requests are issued and processed.

As with copyright, whenever content is removed there must be ample notification. A “block page” or 451 error code is appropriate in this case and should include the relevant laws and agencies associated with the request.

Government requests for user data

Requests for user data are a complicated issue. Companies are obliged to cooperate with local governments, but they also have a responsibility to protect their users’ privacy. Transparency in this case is not straightforward: several companies have made the case that publishing user data requests could threaten ongoing investigations.¹⁸

The solution here is first and foremost *procedural* transparency. Like governments, companies must have clearly articulated procedures for when and how they are allowed to access and share their users’ private information. When this process has not been honoured, companies are obliged not to comply. Companies should further detail and publish what constitutes an unreasonable request, and make it policy to challenge such requests and any associated gag orders.

Companies should report on the number and type of requests, with at least a distinction between those with warrants and without. This data should then be divided by country and include the agency or agencies involved and any applicable laws. Included should be the compliance rate, as well as any legal challenges against unreasonable requests.

Unless specifically ordered otherwise, company policy should be to inform users that their data has been accessed. Some companies may also want to consider implementing a warrant canary system if they lack the legal resources to challenge unreasonable gag orders.

Governments

Governments can also play a crucial role in increasing transparency. By reporting on their own takedown and user data requests, governments have the opportunity to show their commitment to openness and also to corroborate reports from private industry.¹⁹

Governments should first create a public resource on the policies that allow the restriction of content online, or which government agencies are permitted to access the personal data or communications of citizens. Second, governments should track and publish statistics on all requests to block content or access user data. This is already partly in practice in many countries – in the US, courts release an annual document on all authorised wiretaps (with some exceptions). However, this report excludes other types of surveillance, like requests for user identities, communications history, messages and location tracking.²⁰ A complete report would document all such requests and classify them accordingly.

Finally, governments should contribute this information to a public database of all such requests. Currently, the Chilling Effects Clearinghouse serves as a repository for takedown requests, including copyright and parody,²¹ and could be expanded to incorporate this new data.

Conclusion

Transparency is not a panacea for the abuse of human rights, nor do transparency reports alleviate companies and governments of fault when restricting freedom of expression. Governments and companies alike are well positioned to provide this debate with accurate and timely data supporting a democratic debate on policies that result in censorship and surveillance. Combined with scrutiny, transparency reports provide a necessary, but not sufficient, component of supporting internet freedom. ■

¹⁹ One concept of this idea is outlined by Joakim Jardenberg in the Stockholm Principles. stockholmprinciples.org

²⁰ www.uscourts.gov/Statistics/WiretapReports/WiretapReport2011.aspx, www.aclu.org/protecting-civil-liberties-digital-age/cell-phone-location-tracking-public-records-request

²¹ www.chillingeffects.org

¹⁸ www.google.com/transparencyreport/userdatarequests/faq

Using technology for collaborative transparency: Risks and opportunities

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Introduction

By undermining public trust and eroding societal infrastructure, corruption contributes to and is broadly indicative of widening power inequalities in many countries. The often insidious nature of corruption makes it difficult to address, and often requires substantial changes to regulation and public oversight. Transparency is an important tool in combating corruption, exposing weaknesses in governance structures and encouraging participation in governance.

Open and crowd-sourced approaches to information provide an opportunity to extend the link between transparency and participation further, providing an enormous opportunity for sharing and accessing information on not just corruption, but all aspects of governance. However, as recent technology-driven transparency projects have demonstrated, effecting offline change is a long and complex process. This report examines the barriers to effective technology-driven transparency, highlighting the importance of multi-stakeholder collaboration in implementing transparency and overcoming these obstacles.

Transparency and technology in a wider context

While transparency is a tool for combating corruption, it is also part of overarching societal goals of accountability, democratisation and good governance. This connection is based on the assumption that using newly disclosed information, citizens, media, civil society and government officials will investigate and positively influence policy. This is a big assumption, and is very much tied into specific political, social, economic and cultural contexts. For example, existing evidence suggests that the democratising power of transparency depends largely on its ability to link into ongoing political and social mobilisation.¹ Transparency can transform existing

power structures, but often fails to, based in part on how problems are framed and the capacity of users to interpret and use information.²

Many of these same power and knowledge asymmetries plague technology projects, particularly as they have begun to tackle complex governance issues. While open source technology is a valuable tool in implementing transparency, work towards accountability and good governance is complex, with high stakes and a diverse set of stakeholders. Issues of privacy, security, trust, inclusivity and capacity take on new importance as technologists navigate real-world communities, which in many cases hold very different values to those espoused by the open source community. At the same time, local groups, government, mass media, NGOs and the global community must make space for technology and the new skill sets required to integrate online tools into development work.

Examining a series of technology-for-transparency pilot projects,³ this report begins with a brief investigation into some of the obstacles to effective implementation, highlighting the communication and knowledge network gaps that exist. Turning to recent research on this topic, the report goes on to explore the concept of collaborative learning networks and their impact on existing gaps in engagement, trust and knowledge.

Undermining accountability: Barriers faced by technology-for-transparency projects

Turning online activity into offline change continues to be a struggle for digital activists all over the world, and projects aimed at addressing issues of corruption are no exception. Low engagement and a lack of infrastructure are commonly cited obstacles for many technology projects; however, they are particularly relevant in the case of transparency, where participation from a diverse set of actors is essential to the success of most initiatives. Privacy and security are also growing concerns, particularly

1 Berdou, E. (2011) *Mediating voices and communicating realities: using information crowdsourcing tools, open data initiatives and digital media to support and protect the vulnerable and marginalised*, Institute for Development Studies. www.dfid.gov.uk/r4d/PDF/Outputs/Misc_InfoComm/IDS_MediatingVoices_FinalReport.pdf

2 Mason, M. (2008) Transparency for whom? Information disclosure and power in global environmental governance, *Global Environmental Politics*, 8(2), p. 8-13.

3 Taken largely from transparency.globalvoicesonline.org

given the recent trends toward government censorship and monitoring.⁴

Low engagement

Effecting offline change often requires a shift in perception of civic engagement. While many technology projects report substantial interest from citizens, some, particularly those focusing on disseminating government information rather than on collecting citizen input, have difficulty gaining and sustaining citizen engagement. In many countries, there is little public awareness and understanding of government activity, or of the power of citizen oversight. The founder of Cidade Democrática (“Democratic City”) in Sao Paulo, Brazil observed that the majority of citizens believe that improving civic services is not their responsibility, due in part to the top-down nature of the state.⁵ In Venezuela, ProAcceso, a project pushing for right to information (RTI) laws, found that even where laws existed to protect and empower citizens, they were not well known or understood. In response, the project developers instead focused on providing information that is directly relevant to individual and community life – such as information on education and public health for a mother with young children.⁶

When data is being collected from individuals and communities, low engagement could also be a result of distrust or poor relationships with the intended users of disclosed information. Local mappers working on the Map Kibera community mapping project were originally met with suspicion by residents, and questioned about their right to collect and record information. Some mappers were asked whether they were being paid for their work, or were asked for payment in return for the data they received.⁷

Engagement with mass media and citizen journalists is also an essential component to achieving wider social impact by transparency-for-technology projects. When asked how their project would spend additional funding, many transparency pilots interviewed by Global Voices focused on citizen and local media capacity building with online tools, new media, reporting and investigating.⁸ This is an important aspect of taking technology projects beyond the “disclosure” stage. Local mass and in-

dependent media must be aware of and able to use the information collected by technology projects in order to hold governing actors accountable.

A lack of engagement with governing actors at various scales can also be a substantial obstacle in combating corruption through technology. Distrust, animosity and secrecy are commonly cited issues for technology projects working towards government accountability, often exacerbated by a lack of communication and consultation on both sides. Government officials can be an essential ally in increasing government transparency, pushing for legislative reform based on reported data. This was the case in Bangalore, where the transport commissioner for the state of Karnataka used data collected from the online platform “I Paid a Bribe” to push through reforms in the motor vehicle department, including online applications and video monitoring to drive down corruption and increase transparency.⁹

One of the most commonly raised issues among pilot technology projects is the need for clear outcomes from citizen engagement. In many cases there was significant interest from communities, but when the project was unable to effect change, interest and support for the project waned.¹⁰ Conversely, when participants felt that their input had led to a definitive outcome, even if that outcome did not translate directly into accountability, confidence in the value of the tool, and in contribution, increased.

This has been the case for the Kiirti¹¹ programme in India, which aggregates and visualises citizen complaints and questions on a variety of issues using FrontlineSMS and Ushahidi. According to the developers of Kiirti, users of the platform are able to bring about a change in their community with minimal effort. These changes are often very local, such as changing a streetlight or paving a road; however, there is a substantial impact on the mindset of users, and there is an expectation that as participation increases, governing actors will be forced to tackle more complex issues.

Lack of infrastructure

In discussing technology, infrastructure is often understood as the physical networks required for access to the internet. But this is only one of many structures needed to realise the potential of transparency.

4 For example: www.apc.org/en/press/digital-security-becomes-key-concern-women-rights

5 transparency.globalvoicesonline.org/project/cidade-democratica

6 transparency.globalvoicesonline.org/project/proaccesso

7 Berdou (2011) op. cit.

8 For example: transparency.globalvoicesonline.org/project/penang-watch; transparency.globalvoicesonline.org/project/african-elections-project

9 Strom, S. (2012) Web sites shine light on petty bribery worldwide, *The New York Times*, 6 March. www.nytimes.com/2012/03/07/business/web-sites-shine-light-on-petty-bribery-worldwide.html

10 For example: transparency.globalvoicesonline.org/project/centre-monitoring-election-violence

11 transparency.globalvoicesonline.org/project/kiirti

Technology projects also rely on what is sometimes referred to as “soft infrastructure” – systems of governance, education, regulation, culture and social support.¹² These structures are very much tied into issues of engagement, and in some cases it may be necessary to build up soft infrastructure before effectively engaging various actors. Ideally, technology-driven transparency projects should have clear frameworks for implementation and progression, which ultimately rely on existing and emerging networks of activism, institutional and financial support, and participant capacities.

The founders of Map Kibera revealed the importance of infrastructure in their community information project, which originally started as a three-month pilot.¹³ Partnering with the Kibera Community Development Agenda (KCODA), a side project for Map Kibera involved developing an online mapping application to monitor the status of projects funded by the Kenya Constituency Development Fund (CDF). Individuals could submit photographs and reports on the real status of projects, contrasting those with official government reports. Information was also provided on the amount of funding allocated, the contractor involved, and geographic location. Unfortunately, there was limited time for training with the web application, and the collection of evidence was not well organised. When the tool was presented at a community forum on local budgets, some of the reports were shown to be out of date, which weakened confidence in the tool more broadly.¹⁴ Reflecting on the project, one of the developers, Mikel Maron, suggested that limited time and resources were substantial constraints to building capacities and structures for long-term engagement.¹⁵

Short-term funding is a major issue for many technology projects, and can prevent the development and maintenance of essential structures. At a recent workshop hosted by the Bridging Transparency and Technology partnership, one participant described how a well-planned project fell victim to a 12-month timeline, which focused on results over longevity.¹⁶ Funding was a major issue for most of the projects examined by Global Voices, with much of the work done on a voluntary basis by only a few dedicated developers.¹⁷

Language is another aspect of soft infrastructure that, if overlooked, can significantly restrict the impact of technology-driven transparency. In compiling best practices for ICTs, Talyarkhan notes the importance of addressing local language needs before developing communication strategies.¹⁸ This is particularly important given recent calls for more online content in local languages in countries such as South Africa.¹⁹ Moreover, many people prefer to receive information orally at face-to-face meetings, which allow for demonstrations and follow-up.²⁰ In Malaysia, the coordinators of Penang Watch used face-to-face meetings to collect citizen complaints, train participants and build interest in the project.²¹

Privacy and security

The potential for transparency to threaten the security of marginalised communities and to reinforce existing power inequalities carries no small risk. Governing authorities may garner international legitimacy and attract funding while at the same time exerting increased control over communities through greater understanding of local conditions. As information is gathered by state or external authorities, it is reduced to standardised pieces of information that allow citizens to be easily managed.²²

In her 2011 report on the opportunities and challenges of open ICT for vulnerable and marginalised communities, Evangelia Berdou highlights tensions and risks associated with the open provision, collection and dissemination of information in the context of under-resourced and politically contested spaces. The results of an in-depth study of Map Kibera in the first six to eight months of the project revealed persistent barriers to accessing information and risks of project participant exploitation due to increased visibility. Young mappers received requests for collaboration by external actors on a number of occasions, some of which were judged to be exploitative,²³ revealing a need for structures to train and protect participants from abuse. In November 2010 Map Kibera developed a trust, which provides an important organisational framework, including structures for processing external requests.

12 en.wikipedia.org/wiki/Infrastructure#Types_of_soft_infrastructure

13 Maron, M. (2012) Personal communication.

14 groundtruthinitiative.org/2011/11/29/revealing-transparency-and-its-relation-to-community-empowerment

15 Maron (2012) op. cit.

16 www.revenuewatch.org/news/blog/building-bridges-between-policy-and-tech-transparency-camp

17 transparency.globalvoicesonline.org

18 Talyarkhan, S. (2004) *Connecting the first mile: A framework for best practice in ICT projects for knowledge sharing in development*, Intermediate Technology Development Group (ITDG).

19 lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/JS4_UPR_ZAF_S13_2012_JointSubmission4_E.pdf

20 Talyarkhan (2004) op. cit.

21 transparency.globalvoicesonline.org/project/penang-watch

22 crookedtimber.org/2012/06/25/seeing-like-a-geek

23 Berdou (2011) op. cit., p. 17.

At the same time, online privacy, censorship and secure communications present new challenges to technology-for-transparency projects. This includes dangerous restrictions to freedom of expression and access to information by marginalised communities. For example, in July 2012 the Pakistan Telecommunication Authority banned a watchdog website that documented violence against Shi'ite Muslims in the country, citing the propagation of religious views as reason for the suppression.²⁴ There are also substantial risks to the privacy of online communications in many countries, as online surveillance continues to be touted as a tool for combating issues from online piracy to terrorism.²⁵ Technology-driven transparency projects need to be cautious in how they collect and use data, and ensure that participants know how to protect their right to privacy online.

Collaborative learning networks

Online tools provide an important opportunity for “collaborative transparency”, where the users of data create and shape information content, allowing for a level of interactivity not present in offline transparency projects.²⁶ At the same time, as this report has highlighted, there are a number of obstacles to achieving effective collaborative transparency, including the very real danger that intended users do not have the capacities to understand and use disclosed information. There are often substantial communication, trust and knowledge gaps that exist as a result of low engagement and a lack of infrastructure.

Collaborative multi-stakeholder learning networks provide an opportunity to bridge these gaps. In conducting her research on the impact of online tools, Berdou found that non-profit technology companies and open source technology entrepreneurs play a significant role in supporting the uptake of online tools by activists and organisations. By sharing skills and knowledge, these partnerships can improve the design and impact of technology-driven transparency. Concluding her report, Berdou asks the important question of how partnerships and networks can be constructed to promote learning and support the successful use of online tools and platforms.

The partnerships and networks developed around transparency in the extractive industries provide some insight into this question. Publish What You Pay (PWYP), a global network of 650 civil society organisations, works with multi-stakeholder initiatives such as the Extractive Industries Transparency Initiative (EITI) to advocate for and implement disclosure of information on extractive industry revenues and contracts.²⁷ In 2010, Ghanaian PWYP members issued a statement to the national government, based on consultations with community and faith-based organisations from all ten regions, as well as media and development partners.²⁸ Among the recommendations was a call for the development of a public oversight committee, which was subsequently established in 2011 under Section 51 of the Petroleum Revenue Management Act.²⁹ In May 2012 the public oversight committee published a report indicating discrepancies in funds paid and received by the national oil company. Mass media picked up the story, and as a result the government released new documents which confirmed the discrepancy and disclosed the location of the missing funds.³⁰ PWYP network members are also part of Ghana's multi-stakeholder EITI steering committee, which regularly reviews government receipts and disbursements of revenues from the extractive sector.³¹

These two coalitions contribute, along with international NGOs like Revenue Watch and Transparency International, to greater oversight and accountability in resource-rich countries, fighting corruption and contributing to sustainable development. Like many multi-stakeholder initiatives these actors still struggle to effectively engage and empower citizens on a broader scale. However, by creating spaces where all stakeholders can participate in the design and implementation of transparency, PWYP and EITI contribute to a culture of participatory governance.

As technologically driven transparency continues to grow, these same structures of multi-stakeholder collaboration must develop. In some areas this is already occurring, such as the newly formed Bridging Transparency and Technology project,³² which has hosted a number of workshops

24 Ahmad, S. and Zafar, F. (forthcoming) Internet rights in Pakistan, in Global Information Society Watch Special Edition; tribune.com.pk/story/409505/ban-on-shia-website-police-disperse-protest-rally-in-karachi

25 giswatch.org/en/freedom-association/internet-intermediaries-new-cyberpolice

26 Fung, A., Graham, M. and Weil, D. (2007) *Full Disclosure: The Perils and Promise of Transparency*, Cambridge University Press, Cambridge UK.

27 www.publishwhatyoupay.org/about

28 www.oxfamamerica.org/publications/ghanas-oil-readiness-report

29 www.piacghana.org

30 www.revenuewatch.org/news/blog/ghana-citizen-oversight-report-yields-debate-disclosures

31 Dykstra, P. (2011) *EITI 2011: Learning from success and challenges*, Revenue Watch Institute. www.revenuewatch.org/EITReports

32 www.revenuewatch.org/news/blog/building-bridges-between-policy-and-tech-transparency-camp

and meetings to discuss how online tools can best be utilised by transparency projects. Although it is not clear yet how the recommendations and strategies from these meetings will be implemented, the project provides a vital space for continued discussion and partnership building.

Conclusion

This report has highlighted a number of threats that arise from technology-for-transparency projects, including issues of trust, privacy and security of local data. Bringing together a diverse set of actors, collaborative transparency networks can work to overcome these threats, and can capitalise on open technology to encourage accountability in governance. In particular, pre-existing relationships with the various actors and an understanding of local economic, political and social issues mitigate many of the dangers that arise from technology for transparency projects.

At the same time, the development of collaborative networks does not guarantee that technology-for-transparency projects will be successful in the long run. Short-term funding, low engagement, and a lack of infrastructure are only a handful of the obstacles facing technology-for-transparency projects. Corruption does not simply disappear when it is exposed. In truth, disclosure without effective response may only serve to embolden corrupt officials and dishearten those who struggle against them. The process of achieving greater accountability in governance is long and complex. Online tools can contribute to this process, but that contribution is not guaranteed, and is almost certain to fail if implemented without substantial consideration of and engagement with relevant stakeholders and structures of governance. ■

In search of transparency: From “using” to “shaping” technology

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In an age in which power equals “the possession, assimilation and retailing of information as a basic commodity of daily life,”¹ transparency has become a luxury and is no longer a given. Cyberspace is populated by an ever-growing number of invisible barriers making knowledge sharing and circulation difficult, such as strict copyright enforcement and content-based discrimination. Digital technologies, however, can contribute to increase transparency and fight corruption. They can amplify and facilitate grassroots mobilisation, and allow an unprecedented outreach and scaling up of protest. Numerous initiatives that work towards creating and expanding transparency happen in the realm of technological activism or at the level of policy activism. Here we want to point to three of them: Anonymous, WikiLeaks and the Icelandic Modern Media Initiative (IMMI) represent different ways – yet with shared characteristics – in which digital technologies can help leverage the grassroots demands for transparency. They demonstrate how technology can be used, but also how it needs to be shaped and developed in order to enhance social and political change. They emerge at the intersection between content and infrastructure concerns, and they therefore demonstrate the need to combine transparency as a political goal with transparency of the technological infrastructure that serves to advance this demand. In what follows we illustrate these three instances of internet-enabled and internet-focused mobilisation, and we explore, in particular, how they address, implicitly and explicitly, a changing environment for online communication.

Net challenges and opportunities

During its short history as a public communication platform, the internet has enabled people to spread information further and wider than before,

and to bypass the traditional gatekeepers such as mass media, infrastructure providers and the state. In this way it has constituted a crucial tool for civil society campaigners and social movements, with recent examples including the widely debated role of technology in the “Arab Spring”. However, as its uses have progressed, so have the attempts by both public and private actors to control and restrict what was previously seen as borderless, “free” and uncontrollable cyberspace. The filtering of web content has become a common practice across the globe, and states in both the East and West now restrict (and persecute) the dissemination of content deemed illegal or illegitimate.² Intermediaries such as internet service providers (ISPs) and search engines are increasingly enlisted by governments to control and restrict access to content, effectively becoming proxy censors. Access to infrastructure and online services has been shut down, particularly in times of political turmoil (for example in Egypt in January 2011), and the “three strikes” laws in France and elsewhere restrict people’s internet access if they violate intellectual property law by downloading copyrighted content. The controversies on net neutrality – initiated in the US and increasingly spreading to other jurisdictions – have highlighted the role of network providers as potential gatekeepers who may discriminate against some content, for example dissident or non-profit content. Access to critical resources such as funding increasingly takes place online through companies such as PayPal: their decision to withdraw services or limit access can cripple a media organisation, as happened with WikiLeaks. Finally, with the ubiquity of electronic communication, the “capacity of the state to gather and process information about its citizens and about the resources and activities within its space is growing by orders of magnitude.”³ We are witnessing a trend toward systematic and

1 Sterling, B. (1993) *The Hacker Crackdown: Law and Disorder on the Electronic Frontier*, Bantam, New York.

2 According to the OpenNet Initiative, 47% of the world’s internet users experience online censorship, with 31% of all internet users living in countries that engage in “substantial” or “pervasive” censorship. OpenNet Initiative (2012) Global Internet Filtering in 2012 at a Glance, blog post, 3 April. opennet.net/blog/2012/04/global-internet-filtering-2012-glance

3 Braman, S. (2006) *Change of State: Information, Policy, and Power*, MIT Press, Cambridge, p. 314.

ongoing surveillance of all online data, and the erosion of judicial oversight and established notions of due process. Recent examples include the EU Data Retention Directive, “lawful access” legislation in Canada, and the Cyber Intelligence Sharing and Protection Act (CISPA) in the US.⁴ Internet companies are gathering significant amounts of user data and are increasingly forced to hand over data to governments. For example, Google received 5,950 requests by the US government for the disclosure of user data in the first six months of 2011 alone, a number which was up 70% from 2010.

The previously free and open environment for citizens’ online communication is rapidly transforming into a restricted and controlled space, and internet activists have had to take these changes into account. Efforts to use the internet for advancing social change are therefore complemented by, and intertwined with, activism that addresses the platform itself by opening new technological avenues for information exchange, looking for and exploiting unrestricted spaces, and advocating policies that allow for free communication. Net activism, in this respect, encompasses web-based collective action that both addresses the openness and accessibility of network infrastructure and exploits the latter’s technical and ontological features for political or social change. Examples include electronic disturbance tactics and hacktivism, self-organisation and autonomous creation of infrastructure, software and hardware hacking, and online leaking. In the following sections, we will briefly introduce and discuss three current initiatives whose goals combine infrastructure and political change.

Mobilising for transparency: Anonymous, WikiLeaks and IMMI

One of the most prominent examples of net activism in recent years has been the loose network “Anonymous”. Its self-identified members have engaged in disruptive activities using electronic civil disobedience techniques such as distributed denial of service (DDoS) attacks, and they have mobilised to increase transparency and circumvent information blackouts on the web. They have taken action against companies, governments, and individuals that, in their view, restrict access to information both on- and offline. Earlier actions included campaigns against the Church of Scientology, accused of censoring information as well as its members’

opinions, and against the International Federation of the Phonographic Industry for its pro-copyright battles and its prosecution of the free sharing of cultural goods. During the Egypt internet blackout in 2011, Anonymous used a variety of technological means to facilitate information exchange between Egypt and the rest of the world, providing citizens with alternative communication infrastructure. Efforts to uncover secret information have included Operation HBGary, named after a security firm whose CEO, Aaron Barr, had announced he had identified the network’s most active members and threatened to hand them over to the FBI. Anon activists hacked Barr’s Twitter account, downloaded some 70,000 emails and documents and published them online, uncovering proposals by the company to the US Chamber of Commerce to discredit WikiLeaks, and thereby providing useful information on secret collaborations between state agencies and security firms.

Having originated in online chat rooms that focused on (largely politically incorrect) pranks, the network has maintained an orientation to the “lulz” – a neologism that derives from LOL (“laughing out loud”) and indicates the fun associated with pranks. Its particular approach to the defence of free expression has been marked by irony and disruption. Unsurprisingly, the authorities in several countries, most prominently the US and the UK, have not been willing to see the fun of DDoS attacks and internet break-ins and have rigorously persecuted Anonymous. Despite its sometimes illegal and often deliberately annoying approach, we maintain that several of the network’s actions and revelations have, in fact, increased transparency and have shed light on interesting secrets.

A similarly prominent but more formal initiative against information secrecy has been WikiLeaks. Founded in 2006 as an online platform for whistleblowers and for publishing information censored by public authorities and private companies, WikiLeaks’ goal has been to harness the speed, interactivity and global reach of the internet in order to provide a fast and secure mechanism to anonymously submit information, and to make that information accessible to a global audience. Partly through its own website and partly with the help of media partners, WikiLeaks revealed extensive corruption in countries such as Kenya; illegal toxic waste dumping by British company Trafigura in Côte d’Ivoire (which the British media was legally barred from reporting); corrupt practices of the finance industry in countries like Iceland; information on Guantanamo Bay prisoners (the so-called “Guantanamo Files”) and on the digital surveillance industry

⁴ See, for example, Berners-Lee, T. (2012) Analysis: “Cybersecurity” bill endangers privacy rights, *ars technica*, 18 April. arstechnica.com/tech-policy/news/2012/04/analysis-cybersecurity-bill-endangers-privacy-rights.ars

“Spyfiles”); and many other disclosures of information previously hidden from the public eye. In 2010, WikiLeaks made even bigger waves by publishing the Afghan and Iraq War Logs, almost 500,000 documents and field reports that provided an unprecedented and comprehensive account of the two wars and revealed thousands of unreported deaths, including many US Army killings of civilians; and by publishing select US diplomatic cables, taken from a pool of over 250,000 documents, in what became known as “Cablegate”. The dispatches offered a broad perspective on international diplomacy, revealing backroom deals amongst governments, US spy practices on UN officials, cover-ups of military air strikes, and numerous cases of government corruption, for example in Middle Eastern and North African countries where the revelations fuelled the growing anger amongst populations with their national elites. In the wake of Cablegate, WikiLeaks operations became increasingly hampered by government investigations of its staff (particularly of founder and editor-in-chief Julian Assange), and extralegal economic blockades that have choked WikiLeaks’ access to financial resources. WikiLeaks has seen an onslaught of attacks from both public and private actors, sustained attempts to shut down its operations, and even calls for Assange’s assassination.

WikiLeaks has demonstrated the persistence of both governmental and private sector secrecy, as well as the inability of traditional mass media to uncover all publicly relevant information and to inform the citizenry comprehensively. As a member of the “networked fourth estate”,⁵ its cyber activism has utilised the possibilities of the internet to increase the transparency of our political and economic environment, even though it has chosen the more passive route of providing an upload and publishing function, rather than Anonymous’ approach of aggressively seeking and exposing information on perceived wrongdoings. Its core goals have focused on content provision – releases of information that is relevant for public knowledge – but technological as well as legal skills have been at the heart of the project and fundamental for its success. Using decentralised server networks and placing servers in countries with beneficial laws that prevent or reduce the risk of censorship and surveillance, WikiLeaks embodies the intrinsic connection of content and infrastructure.

WikiLeaks’ practice of exploiting favourable legislation leads us to the third and final example of internet-related activism: the Icelandic Modern Media Initiative (IMMI). Although very different from the hacktivism of Anonymous and the alternative publishing platform of WikiLeaks, it nevertheless combines concerns with content and infrastructure in online environments. IMMI emerged in the context of the financial collapse of the Icelandic economy in late 2008 and was set up to change the development model of the country from a safe haven for banks and financial services, based on secrecy and the suppression of information, to a transparency haven and a favourable environment for media and investigative journalism. Local social and media activists, supported by international civil society organisations, created a bundle of legal and regulatory proposals to “protect and strengthen modern freedom of expression.”⁶ At its core is the concern to prevent the suppression of content by both public and private actors. IMMI has initiated the development of a new Freedom of Information Act to enhance access for journalists and the public to government-held information; proposed measures to limit the use of libel laws, prior restraint, and strategic lawsuits to block legitimate information; initiated a new law on source protection, making it illegal for media organisations to expose the identity of sources for articles or books if the source or the author requests anonymity; and developed policy proposals on whistleblower and intermediary protection.⁷ Most of its suggestions are informed by, if not borrowed from, existing laws and regulations in other countries. If implemented, this package would provide a legal environment able to protect national and international publishers from content (and other) restrictions. All information originating from, routed through or published in Iceland would be governed by the new set of laws and would therefore be very difficult to suppress. In this sense, the content-focused proposals of IMMI are intrinsically bound to the infrastructure through which content is transmitted: blogs, websites and all kinds of online publications would fall under Icelandic jurisdiction if they use Icelandic infrastructure, even if the publishing organisation does not physically relocate to the country but merely posts content on web serv-

5 Benkler, Y. (2011) *A Free Irresponsible Press: WikiLeaks and the Battle over the Soul of the Networked Fourth Estate*, working draft. www.benkler.org/Benkler_Wikileaks_current.pdf

6 See immi.is/Icelandic_Modern_Media_Initiative. WikiLeaks was instrumental in starting the initiative by proposing the idea of a transparency haven, providing knowledge on relevant laws in other countries, and developing some of the thematic cornerstones together with local and international experts.

7 IMMI (2012) *IMMI Status Report*, 9 April. immi.is/images/8/8c/2012-04-15_IMMI_status_report.pdf

ers hosted there.⁸ Consequently, IMMI has added infrastructure-related concerns to its agenda, particularly proposals on safeguarding net neutrality, and it has engaged with debates on the European Data Retention Directive and, more broadly, online surveillance.

From “using” to “shaping”

Ideas of openness and transparency were at the centre of early internet development and internet policy. The supposedly borderless network with its new publishing opportunities for everyone who had access to it nourished hopes of a new age in which normal citizens could bypass traditional information gatekeepers. Numerous examples demonstrate the power of using online publishing and communication for political action and social change, from activist Facebook groups to blogger networks such as Global Voices, and certainly including Anonymous’ actions and the revelations facilitated by WikiLeaks. Thanks to these initiatives, we know more about the world, and it is more likely that corruption is moved from the shadows of secrecy to the sunlight of public knowledge.

However, as online communication is increasingly restricted, surveilled and controlled, the “free network” can no longer be taken for granted. For social movements, this means that “using” the net may no longer be sufficient but rather has to be complemented by “developing”, “shaping” and “changing” the net infrastructure and its regulatory and legal framework. Just as the net can be a

tool for transparency, its own transparency needs to be safeguarded and expanded. This is, of course, not entirely new. Grassroots tech groups such as riseup.net have, for a long time, engaged in providing secure and free technical infrastructure for civil society groups and social movements, campaigns on net neutrality have become very prominent in many countries, and the network of civil society-based internet service providers, the Association for Progressive Communications (APC), is a major force in global internet governance. However, current forms of cyber activism display an even closer connection between content and infrastructure. Based on thorough technical skills and understanding, they couple a focus on exposing relevant information with a commitment to shape and expand the free spaces of online communication in the face of increasing restrictions. Boundaries between different strategies and practices become blurred as the hacktivism of Anonymous creates new information channels, the media approach of WikiLeaks is shaped by infrastructure and informs a policy initiative such as IMMI, and IMMI engages in the compilation of policy components towards new legal “code”, a practice which could be described as “policy hacking”. The practices of the three distinct initiatives described here tell us something about new and sometimes unlikely places where current mobilisations for transparency can be found, as well as the need to combine technical strategies, content-related approaches and policy understanding. ■

⁸ Bollier, D. (2010) A New Global Landmark for Free Speech, 16 June. www.bollier.org/new-global-landmark-free-speech

Artivism online

Kate Declerck

JMI Foundation and Fair Play

www.jmif.net and www.anticorruptionmusic.org

Introduction

Corruption has a profoundly negative impact on the lives of youth around the globe. In some cases, its consequences are severely harmful to their physical well-being: bribes demanded by health sector officials cut youth off from obtaining proper medical care; police corruption perpetuates tensions and violence within communities, driving youth into the frontlines of armed conflict; and barriers to accessing education and employment push youth into depression, drugs and alcoholism. The impacts of corruption on the mental state and attitudes of youth are no less harmful: the embezzlement of public funds and international aid by politicians and institutions erodes their trust in public systems, and bribes offered by politicians in exchange for votes, nepotism, and lack of transparency within electoral processes seed frustrations as they undermine their ability to influence public policy and realise social change.

While the deep-rooted complexities of corruption have driven some youth into a state of apathy, it has urged many others to take action. In 2009, the World Bank Institute¹ launched a new initiative to establish a collaborative platform for anti-corruption youth activists from around the world, and the Global Youth Anti-Corruption Network² was born. The profile of the activists involved is partly what would be expected from such a network: youth engaged in civil society organisations (CSOs) with anti-corruption missions. However, in collaboration with the JMI Foundation,³ the partners have worked to involve young activists with an entirely different profile – young musicians, of all styles, but in particular young urban music artists.

This report will present the partners' rationale for identifying and prioritising young artists as

important players in the fight against corruption; the online and new media strategy employed to reach out to young musicians around the globe, most notably the annual Fair Play⁴ music video competition; and the results and outcomes of the partners' engagement with young musicians.

Artivism

Fear of police violence and state repression keeps many youth silenced and self-censored from speaking out against corruption. Others, determined to resist against this repression, are turning to music – a growing number to hip-hop and reggae – to voice their thoughts on the realities and struggles within their communities. Looking at the origins of these two musical styles – hip-hop's roots being in the African-American communities of Harlem and the Bronx, and reggae's roots in the ghettos of Jamaica – lends an understanding of why these two styles are particularly appealing to young "artivists" (art + activism = artivism), as they have a long history of being utilised by oppressed groups to address themes such as poverty, inequality and injustice. Additionally, the simplicity of hip-hop production, where the only instrument and equipment necessary is one's own voice, makes it accessible for youth from underprivileged neighbourhoods to practice. Today, from Colombia to the Democratic Republic of Congo (DRC) to India, underground hip-hop and reggae movements are generating scores of young artists who have not only mastered the essentials of rhythm and rhyme, but whose lyrical content is insightful, inspiring and intelligent.

How might these young artists be able to influence the broader anti-corruption agenda? Certainly it is not a matter of celebrity status or pull, as state control over radio and TV has systematically worked to deny "socially conscious" artists a broad audience. Rather, what the JMI Foundation and World Bank Institute see as the key strength of these artists is the role they assume within local communities – both by representing, through their music, collective opinion on various socio-political issues affecting them, and by striving to

1 wbi.worldbank.org

2 voices-against-corruption.ning.com

3 www.jmif.net

4 www.anticorruptionmusic.org

raise consciousness and incite their peers to action rather than resignation.

Many citizens living within corrupt societies – particularly those who are economically disadvantaged and who therefore bear more harshly the impacts of corruption – harbour resentment towards political leaders, as their inability and/or lack of interest in establishing proper transparency and governance is perceived as a disregard for the people's interests. In light of this reality, musicians who grew up in underprivileged communities and dare to lobby, through their art, for the rights and interests of these communities, possess a formidable potential as alternative community leaders. In utilising music to advocate, educate and motivate rather than adopting traditional activist methods, activists take an innovative and compelling approach to influence the broader anti-corruption agenda, sounding the alarm on behalf of the most distressed and under-represented communities, and thereby asserting the urgency for change.

Online and new media strategy

Recognising the enormous leadership potential of young artists as both ambassadors of and lobbyists for the anti-corruption cause, the main task of the JMI Foundation and World Bank Institute was to develop a programme that would support and nurture this capacity. Towards this objective, the partners established Fair Play, an annual anti-corruption music video competition open to young artists 18-35 years from anywhere in the world.

Why this approach? The competition was developed as a means to discover and establish contact with young socially conscious musicians. Much has been said about the contribution of social networks such as Myspace, Facebook and Twitter towards the democratisation of the internet and the music industry, by providing independent musicians with an affordable means to build their audience. However, the continuing dominance of those artists propped up by record labels and corporate marketing budgets still poses a major challenge for independent artists to gain significant visibility online, while it remains equally challenging for listeners to uncover interesting underground artists amidst the overabundance of content and advertising. To participate in the Fair Play competition, artists must upload their video entry and artist profile to the competition's website. In doing so, they gain a unique opportunity to reach new listeners worldwide and to have their work promoted as part of the global Fair Play campaign. For those with an interest in socially conscious music, the Fair Play platform serves as

a space for discovering underground artists from around the world, while translations of the lyrics (obligatory for participation in the competition), and the ability to vote and comment on the videos, provide listeners with the opportunity to gain a deeper understanding of the music and to interact directly with the artists.

In creating this online platform, the partners sought not only to connect individual artists and listeners and to compile the video materials necessary to deliver a unique global anti-corruption campaign with youth appeal. They also sought to encourage further interdisciplinary campaigns to be carried out, by making the music videos – invaluable new media outreach tools – available to other anti-corruption stakeholders such as organisations, institutions and the media, for broader dissemination as part of local/national level campaigns.

Results and outcomes

The first edition was organised in 2009-2010, and achieved the participation of artists from Armenia, Bangladesh, Burundi, Cameroon, Canada, Colombia, the DRC, Germany, Kenya, Lebanon, Macedonia, Malawi, Panama, the Philippines, Portugal, Senegal, Sierra Leone, South Africa, Tanzania, Uganda and Zimbabwe.

I-Voice (Palestine/Lebanon), Mafilika (Malawi) and Katya Emmanuel (DRC) were selected as winners of the music video competition, performed at the 1st Global Youth Anti-Corruption Network Forum in Brussels, Belgium, and recorded a new collaborative track: "Together Against Corruption".

Over 100 artists/bands participated in the second edition of Fair Play organised in 2010-2011, from Argentina, Australia, Barbados, Bulgaria, Cameroon, Colombia, Croatia, the Dominican Republic, Ecuador, Egypt, France, Germany, Guatemala, Indonesia, Italy, Kenya, Lebanon, Malawi, Mali, Mexico, Mongolia, Nepal, Peru, the Philippines, Romania, Slovakia, Slovenia, Spain, Sudan, Uganda and Vanuatu.

Winning bands De Bruces a Mi (Colombia), Kafulu Xenson (Uganda) and Young Life (Vanuatu) participated in the 2nd Global Youth Anti-Corruption Network Forum in Nairobi, performed live at the Sarakasi Dome alongside top Kenyan artist Sauti Sol, and recorded three new collaborative tracks: "Say No to Corruption", "Hand in Hand" and "We Are One People."

The lyrics of the submitted songs express various emotions, one of the foremost being frustration towards the perpetrators of corruption and injustice. As artist Marshall Dixon of France writes: "They have forgotten us really we are tired/ The people are starving really we are tired of your

bullshit/ Your promises really we are tired/ The injustice, the violence really... the corruption and impunity in the country/ Really... tired, tired really we are tired.”⁵ The frustration that stems from the perpetuation of corrupt systems over time is highlighted by artists Bafing Kul & the Apollo Band of Mali: “We had fought for democracy/ The old regime was overthrown/ New figures were elected/ But the corruption never went away, as if nothing had changed.”⁶ Loathing towards those involved in corruption and their disregard for the negative impact it has on others is evident in the lyrics of Croatian band St!llness, who write: “All that is left/ Are crumbs/ That remain/ After they’ve eaten/ They sit/ In their seats of power/ Bellies full/ With fat collaborators/ Reinventing bullshit.”⁷

The songs also serve to expose many forms of corruption from bribery to embezzlement, fraud and extortion, citing examples from the artists’ own communities. As Nelo Chouloute of Haiti writes: “They promise a new project for Slum Lasaline/ Funds provided/ Promises to build a new highway for Slum Carrefour/ Funds provided/ We will develop Slum of Cité Soleil/ Funds provided/ However, our money stays in their pockets.”⁸ Hip-hop artist Hustlajay of Kenya bears witness in the song “Minyororo Ya Haki”: “[Common man’s] lands together with title deeds are taken away and given to the powerful, and common man left as squatters/ Day after day we growing poor and poorer by being asked to bribe for our rights.”⁹ Artists Dr Sley & Da Green Soljas from Cameroon choose to highlight one of the most taboo abuses of power in their song titled “Down By the Riverside”: “I’m Mr Professor/ Every girl must sleep with me, except you want to fail.”¹⁰

Various artists make tributes and show respect for those engaged in the fight against corruption, emphasising the importance of speaking out against abuses of power. In the lyrics of “La Pedata di Dio”, Italian artist Zero Plastica declares: “This goes out to every life cut short by armed hands/ This goes out to those who denounce the extortion and to those who boycott mafia-controlled services/ This goes out to every victim gone missing and no longer with us/ This goes out to every man who sacrifices all to fight the Mafia.”¹¹

One of the most important and prevalent themes of the songs submitted to Fair Play is the call to action. As Alesh of the DRC writes: “I’ve seen the success of their schemes and tricks/ Which my fellow countrymen have all swallowed whole/ Not daring to raise their real thoughts/ The badly informed population ignores that for them the ground has already been marked out (...) Why do you continue to sleep?/ Apathetic to the death as they massacre you/ WAKE UP! ACT! LET’S MOVE!”¹² Artist Shekhar Sirin from India too calls his people, stating: “Corrupt politicians have looted our nation/ Even the morsels from poor snatched away/ You can hardly breathe in such environment (conditions)/ It’s time to wake up/ It’s time to get up/ The nation which is scattered & in pathetic shape/ Let’s build it back/ If corruption is RAVAN (synonym to devil in India)/ Then we will burn it.”¹³ To those already engaged in the fight, words of encouragement, urging perseverance, are extended by artists such as the Koncerners from Vanuatu, who write: “You ghetto youths keep on doing good/ Keep your heads high/ Make good use of your time/ Not because you come from the ghetto/ You can make a difference, make it better.”¹⁴

Conclusion

Just as the internet has in recent years affirmed its importance as a space for social protest, so too has music been proven by Fair Play and other projects to be an effective tool in raising awareness, building international solidarity, and also – importantly – refuelling the fires of artists and activists around the world who are consistently persecuted, isolated or otherwise antagonised by the mainstream in the attempt to deter them from sustaining the fight.

Musicians, particularly those from marginalised neighbourhoods, have proven themselves to possess key leadership qualities: willingness to stand up and speak the truth, ability to analyse and articulate complex issues, and commitment to making a change. As hip-hop artists Desorden Social of Colombia write on the role of artists: “It’s been already 10 years recounting the cruelty (...)/ In 1999 two young men decided to use rap as a way to unleash their lyrics and not get choked up with what they are in living/ And now ten years later our subject has not changed/ And after hundreds of songs, the situation remains unchanged/ Because as I can remember, there’s only injustice, inequality, poverty, abuses and more misery/ There are more

5 www.anticorruptionmusic.org/?videos/on_est_fatigue

6 www.anticorruptionmusic.org/?videos/yelema%28_le_changement%29

7 www.anticorruptionmusic.org/?videos/katarza__catharsis

8 www.anticorruptionmusic.org/?videos/nelo_chouloute_-_haiti_money_embezzle

9 www.anticorruptionmusic.org/?videos/minyororo_ya_haki

10 www.anticorruptionmusic.org/?videos/down_by_the_river_side

11 www.anticorruptionmusic.org/?videos/la_pedata_di_dio

12 www.anticorruptionmusic.org/?videos/reveil

13 www.anticorruptionmusic.org/?videos/ek_aag_ka_zarra

14 www.anticorruptionmusic.org/?videos/corrupted_minds

open works and cities but serve for nothing cause still life quality descends/ 10 years and our leaders are same or worse and sold to the highest bidder.”¹⁵

The music of Fair Play artists sheds light on the realities of youth living in corrupt societies: how the system neglects their interests, how corruption perpetuates the divides between rich and poor, and how it serves to limit the human and economic development of their communities. While ghetto youth continue to be predominantly associated with violence, gangs and brutality, the hip-hop and reggae

artists engaged in Fair Play testify to another reality entirely: the multiplicity of youth voices calling for and dedicated to change. As the JMI Foundation and the World Bank Institute affirm, leaders come in all forms – they are not only the products of academic circles but also those schooled by the streets. In order to address corruption, it is crucial to diversify the stakeholders in civil society dialogue, debate, decision making and policy development; and to tap into the creative, innovative and technological capacities of youth. ■

¹⁵ www.anticorruptionmusic.org/?videos/10_anos_de_lucha

Institutional overview

Who is doing what when it comes to technology for transparency, accountability and anti-corruption

Tim Davies

Practical Participation

www.practicalparticipation.co.uk and

www.opendataresearch.org

Fighting corruption is a responsibility that all global institutions, funders and NGOs have to take seriously. Institutions are engaged with the fight against corruption on a number of fronts. Firstly, for those institutions such as the World Bank that distribute funds or loans, there is a responsibility to address potential corruption in their own project portfolios through accessible and well-equipped review and inspection mechanisms. Secondly, institutions with a regulatory role need to ensure that the markets they regulate are free of corruption, and that regulations minimise the potential space for corrupt activity. And thirdly, recognising the potential of corruption to undermine development, institutions may choose to actively support local, national and international anti-corruption activities and initiatives. This report provides a critical survey of some of the areas where multilateral, intergovernmental and multi-stakeholder institutions, NGOs and community groups have engaged with the internet as a tool for driving transparency and accountability.

Although transparency is an often-cited element of the anti-corruption toolbox, technology-enabled transparency remains a relatively small part of the mainstream discourse around anti-corruption efforts in formal international institutional processes. The UN Convention against Corruption (UNCAC),¹ adopted in 2003 and ratified by 160 countries, and the OECD Anti-Bribery Convention,² adopted in 1997, provide a backbone of international cooperation against corruption and focus heavily on legal harmonisation, improved law enforcement, criminalisation of cross-border bribery and better mechanisms for asset recovery, addressing many of the preconditions for being able to act on corruption when it is identified. Continued cooperation on UNCAC takes place through the UN Office on Drugs and Crime,³ with input and advocacy from the UNCAC Civil Society Coalition. In international development, the outcomes document of

the Fourth High Level Forum on Aid Effectiveness,⁴ held in Korea in November 2011, notes these foundations and highlights “fiscal transparency” as a key element of the fight against corruption. However, the document more often discusses transparency as part of the aid-effectiveness agenda, rather than as part of anti-corruption. This illustrates an important point: transparency is just one element of the fight against corruption, and reduced corruption is just one of the outcomes that might be sought from transparency projects. Transparency might also be used as a tool to get policy making better aligned with the demands of citizens, or to support cooperation between different agencies.

The review below starts by looking at technology for transparency in this broader context, before briefly assessing how far efforts are contributing towards anti-corruption goals.

Transparency and open data

The last three years have seen significant interest in online open data initiatives as a tool for transparency, with over 100 now existing worldwide. Open data can be defined as the online publication of datasets in machine-readable, standardised formats that can be reused without intellectual property or other legal restrictions.⁵ A core justification put forward for opening up government or institutional data is that it leads to increased transparency as new data is being made available, and existing data on governments, institutions and companies becomes easier to search, visualise and explore.

Following high-profile Open Government Data (OGD) initiatives in the US (data.gov) and UK (data.gov.uk), in April 2012 the World Bank launched its own open data portal (data.worldbank.org), providing open access to hundreds of statistical indicators. Here is how the World Bank describes the data portals mission:

The World Bank recognises that transparency and accountability are essential to the development process and central to achieving the Bank’s mission to alleviate poverty. The Bank’s commitment to openness is also driven by a desire to foster public ownership, partnership and participation in development from a wide range of stakeholders.⁶

1 www.unodc.org/unodc/en/treaties/CAC/index.html

2 www.oecd.org/department/0,3355,en_2649_34859_1_1_1_1_1,00.html

3 www.unodc.org/unodc/en/corruption

4 www.aideffectiveness.org/busanhlf4

5 opendefinition.org

6 data.worldbank.org/about

The World Bank has also sponsored the development of Open Government Data initiatives in Kenya (opendata.go.ke) and Moldova (data.gov.md), as well as funding policy research and outreach to promote open data through the Open Development Technology Alliance (ODTA).⁷

Central to many narratives about open data is the idea that it can provide a platform on which a wide range of intermediaries can build tools and interfaces that take information closer to people who can use it. The focus is often on web and mobile application developers as the intermediaries. Many of the applications that have been built on open data are convenience tools, providing access to public transport times or weather information, but others have a transparency focus. For example, some apps visualise financial or political information from a government, seeking to give citizens the information they need to hold the state to account.

Apps alone may not be enough for transparency though. In an early case study of the Kenya open data initiative, Rahemtulla et al., writing for the ODTA, note that “the release of public sector information to promote transparency represents only the first step to a more informed citizenry...” and that initiatives should also address digital inclusion and information literacy. This involves ensuring ICT access, and the presence of an “info-structure” of intermediaries who can take data and turn it into useful information that actively supports transparency and accountability.⁸ World Bank investments in Kenya linked to the open data project go some way to addressing this, seeking to stimulate and develop the skills of both journalists and technology developers to access and work with open data. However, much of the focus here is on e-government efficiency, or stimulating economic growth through the creation of commercial apps with open data, rather than on transparency and accountability goals.

Open data was also a common theme in the first plenary meeting of the Open Government Partnership (OGP)⁹ in Brazil in April 2012. The OGP is a new multi-lateral initiative run by a joint steering committee of governments and civil society. Launched in 2011 by eight governments, it now has over 55 member states. Members commit to create concrete National Action Plans that will “promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance.”¹⁰ The OGP has the potential to play an influential role over the next few years in networking civil

society technology-for-transparency groups with each other, and with governments, and placing the internet at the centre of the open government debate.

The rapid move of open data from the fringes of policy into the mainstream for many institutions has undoubtedly been influenced by the activities of a number of emerging online networks and organisations. The Open Knowledge Foundation (OKF)¹¹ has played a particularly notable role through their email lists, working groups and conferences in connecting up different groups pushing for access to open data. OKF was founded in 2004 as a community-based non-profit organisation in the UK and now has 15 chapters across the world. OKF explain that they “build tools, projects and communities” that support anyone to “create, use and share open knowledge.”¹² The OKF paid staff and volunteer team are behind the CKAN software used to power many open data portals, and the OpenSpending.org platform that has the ambition to “track every government financial transaction across the world and present it in useful and engaging forms for everyone from a school-child to a data geek.”¹³ This sort of “infrastructure work” – building online platforms that bring government data into the open and seek to make it accessible for a wide range of uses – is characteristic of a number of groups, both private firms and civil society, emerging in the open data space.

Another open data actor gaining attention on the global stage has been the small company OpenCorporates.com.¹⁴ OpenCorporates founder Chris Taggart describes how their goal is to gather data on every registered company in the world, providing unique identifiers that can be used to tie together information on corporations, from financial reporting to licensing and pollution reports. Although sometimes working with open data from company registrars, much of the OpenCorporates database of over 40 million company records has been created through “screen scraping” data off official government websites. In early 2012 OpenCorporates were invited to the advisory panel of the Financial Stability Board’s¹⁵ Global Legal Entity Identifier (LEI) project, being conducted on behalf of the G20. The LEI project aims to give a unique identifier to all financial institutions and counterparties, supporting better tracking of information and transactions. Importantly the recommendations, which have been accepted by the G20, will operate “according to the principles of open access and the nature of the LEI system as a public good (...) without limit on use or redistribution.”¹⁶

7 www.opendta.org

8 Rahemtulla, H., Kaplan, J., Gigler, B.-S., Cluster, S., Kiess, J. and Brigham, C. (2011) *Open Data Kenya: Case study of the Underlying Drivers, Principle Objectives and Evolution of one of the first Open Data Initiatives in Africa*. www.scribd.com/doc/75642393/Open-Data-Kenya-Long-Version

9 www.opengovpartnership.org

10 www.opengovpartnership.org/about

11 okfn.org

12 www.okfn.org/about/faq

13 www.openspending.org

14 opencorporates.com

15 www.financialstabilityboard.org

16 www.financialstabilityboard.org/publications/r_120608.pdf

International transparency initiatives and standards

A number of sector-specific international transparency initiatives have developed in recent years, with a greater or lesser reliance on the internet within their processes.

Online sharing of data is at the heart of the International Aid Transparency Initiative (IATI)¹⁷ which was launched at the third High Level Forum on Aid Effectiveness in Accra, Ghana in 2008, and now has over 19 international aid donors as signatories. The initiative's political secretariat is hosted by the UK Department for International Development (DfID),¹⁸ and a technical secretariat, which maintains a data standard for publishing data on aid flows, is hosted by the AidInfo programme.¹⁹ IATI sets out the sorts of information on each of their aid activities that donors should publish, and provides an XML standard for representing this as open data.²⁰ A catalogue of available data is then maintained at www.iatiregistry.org, and a number of tools have been developed to visualise and make this data more accessible. Through IATI, countries and institutions, from the Asian Development Bank (ADB) to the UN Office of Project Services (UNOPS), have made information on their aid spending or management more accessible.

The Open Aid Partnership,²¹ working closely with IATI and hosted by the World Bank Institute, is focusing specifically on geodata standards for aid information, using the "Mapping for Results" methodology developed with AidData²² to geocode the location of aid projects and make this information available online. Geocoded data is seen as important to "promote ICT-enabled citizen feedback loops for reporting on development assistance."²³

A number of other high-profile sector transparency initiatives, such as the Extractive Industries Transparency Initiative (EITI)²⁴ and the Construction Sector Transparency Initiative (CoST),²⁵ are less open data or ICT-centred, opting instead for processes based on disclosure and audit of documents through local multi-stakeholder processes. However, the Global Initiative on Fiscal Transparency (GIFT),²⁶ which aims to "advance and institutionalise global norms and continuous improvement on fiscal transparency,

participation and accountability in countries around the world," has a Harnessing New Technologies Working Group led by the OKF, which has outlined a number of ways technology can be used for transparent and accountable finance.²⁷ The "lead steward" organisations for GIFT are the International Monetary Fund, the World Bank Group, the Brazilian Ministry of Planning, Budget and Management, the Department of Budget and Management of the Philippines, and the Washington-based CSO project, the International Budget Partnership.²⁸

Crowd sourcing

Transparency and accountability isn't just about information and data from governments, companies or multilateral institutions. Input from citizens is crucial too. Crowd-sourcing projects such as Ushahidi,²⁹ first developed to monitor post-election violence in Kenya, have been deployed or replicated in a number of anti-corruption settings. Accepting submissions by SMS or online, these tools allow citizens to report problems with public services that might point to misappropriation of funds, or to directly report cases of corruption. Reports are generally geocoded and the resulting maps are presented publicly online. With UN Development Programme (UNDP)³⁰ support, an Ushahidi-based corruption monitoring platform was established in Kosovo.³¹ In India, the IPaidABribe.com platform, which was launched in 2010 by Bangalore-based non-profit Janaagraha,³² has collected over 20,000 reports of bribery requests or payments.

UNDP analysis suggests that the success of social media and use of crowd sourcing in transparency and accountability projects relies upon transparent mechanisms for verifying reports, and the backing of institutions or systems that can convert information into action – such as ensuring corrupt tenders are cancelled.³³ In a global mapping of technology for transparency and accountability, the Transparency & Accountability Initiative³⁴ (a donor collaboration chaired by DfID and the Open Society Foundation)³⁵ found that many of the 100 projects they reviewed

17 www.aidtransparency.net

18 www.dfid.gov.uk

19 www.aidinfo.org

20 www.iatistandard.org

21 www.openaidmap.org

22 www.aiddata.org

23 www.openaidmap.org/about.html

24 eiti.org

25 www.constructiontransparency.org

26 fiscaltransparency.net

27 openspending.org/resources/gift/index.html

28 internationalbudget.org

29 ushahidi.com/about-us

30 www.undp.org

31 www.kallxo.com

32 www.janaagraha.org

33 Lemma, T. (2012), Corruption Prevention and ICT: UNDP's Experience from the field, presented at the Joint Experts Group Meeting and Capacity Development Workshop on Preventing Corruption in Public Administration, UN DESA, New York, USA, 26-28 June. unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpano49778.pdf

34 www.transparency-initiative.org

35 www.soros.org

were started by technology-savvy activists.³⁶ Where these were tailored to local context, and able to adopt a collaborative approach, involving governments and/or service providers, they were more likely to be sustainable and successful. Global Voices Online maintain a directory of over 60 case studies as part of their “technology for transparency network”.³⁷

The internet is also being used actively by global advocacy networks such as the Land Matrix Partnership, which launched an online database of land deals at the World Bank Land and Poverty Conference in April 2012, seeking to highlight the growing issue of large-scale land acquisitions across the world, particularly in Africa. This database, initially created through online collaboration of researchers, also accepts submissions through its website at landportal.info/landmatrix, where reported data can also be visualised and explored.

Further activity and institutions

For reasons of space this report can only make passing mention of initiatives aimed at increasing parliamentary transparency through developing and implementing online tools for tracking legislative processes and parliamentary debates. These have been established by civil society networks in a number of countries following models developed by the independent GovTrack in the US,³⁸ and the charity MySociety³⁹ with their TheyWorkForYou.com platform in the UK. MySociety, with support from the Open Society Foundation and Omidyar Network,⁴⁰ have been focusing in 2012 on making their transparency and civic action tools easier to implement in other jurisdictions, opening up the Alaveteli code that powers the public right-to-information services WriteToThem.com and AskTheEu.org, amongst others.

The funding for this work from the Omidyar Network, established by eBay founder Pierre Omidyar, draws attention to another set of important institutions and actors in the tech-for-transparency space: donors from the technology industry. Google, Omidyar Network, Cisco Foundation and Mozilla Foundation amongst others have all been involved in sponsoring technology-for-transparency open-source projects like Ushahidi, the work of MySociety, or data-journalism projects across the world. It is likely that without access to funding derived from internet industry profits, many of the current technology-for-transparency projects would be far less advanced.

This report has also not explored how institutions have responded to online leaking of information as part of transparency and accountability efforts. However, one project deserves a brief mention: the WCITLeaks website,⁴¹ established to accept leaked documents relating to the revision of the International Telecommunications Regulations (ITRs) in response to the secrecy surrounding International Telecommunication Union (ITU) processes, and the lack of a civil society voice at the forthcoming World Conference on International Telecommunication (WCIT).

Exploring impact

Technology for transparency is a rapidly growing field. The innovations may be emerging from civil society and internet experts (with much of the funding to scale up projects often coming ultimately from internet firms), but governments and international institutions are opting in to open data-based transparency initiatives, and a number of institutions, from the World Bank to the newly formed OGP, are active in spreading the technology for transparency message to their clients and members. However, there is little hard evidence yet of the internet becoming an integrated and core part of the global anti-corruption architecture, and many tools and platforms remain experimental, hosting just tens or hundreds of reported issues, and offering only limited stories of where crowd-sourced SMS reports, or irregularities spotted in open data, have led to corruption being challenged, and offenders being held to account.

McGee and Gaventa in a review of general transparency and accountability initiatives funded by DfID explain that the evidence base on their impact is limited across the field.⁴² Limited evidence of the anti-corruption impacts of technology for transparency should therefore be taken as a challenge to improve the evidence base and focus on impact, rather than to step back from developing new internet-based approaches for transparency and accountability. Working out the impact of those projects that provide online information infrastructures as foundations for accountability efforts, from general open government data projects to targeted transparency initiatives, will need particular attention if these efforts are to continue to receive institutional backing, and if the new loose-knit networks that provide many of these platforms are to continue to thrive. ■

36 Avila, R., Feigenblatt, H., Heacock, R. and Heller, N. (2011) *Global mapping of technology for transparency and accountability: New technologies*. www.transparency-initiative.org/reports/global-mapping-of-technology-for-transparency-and-accountability

37 transparency.globalvoicesonline.org

38 www.govtrack.us

39 www.mysociety.org

40 www.omidyar.com

41 wcitleaks.org

42 McGee, R. and Gaventa, J. (2010) *Review of the Impact and Effectiveness of Transparency and Accountability Initiatives: Synthesis Report*. www.dfid.gov.uk/R4D/Output/187208/Default.aspx. See also www.dfid.gov.uk/R4D/Search/SearchResults.aspx?ProjectID=60827 for other outputs of the research programme this report is taken from.

Mapping corruption



Exposing delusions of power: The art of using visual evidence to expose corruption

Stephanie Hankey with research by Francesca Recchia
Tactical Tech
tacticaltech.org

The story of the *Emperor's New Clothes*,¹ first told in 1837, has been told across the world in over a hundred languages. A vain emperor is swindled by two tailors into paying huge sums of money to make him a special outfit made of fabric that only those who are “unusually stupid” cannot see. When the emperor parades through the streets in his new outfit, no one dares confess that the emperor is naked for fear that they will be seen as a fool. In the end it is a child who breaks the silence and says what everyone knows but won't say: “But he hasn't got anything on.”

Perhaps this story from nearly 200 years ago is so well known the world over because it speaks to us about those in power; how they abuse their power for their own gain and how those around them conspire to support them, taking us all in their wake. Often it takes a special moment – an act of innocence, in the case of the child – or more often an act of integrity or justice to say what we all suspect but have not said out loud.

Corruption is one way that power is often abused. It is present the world over, affecting different societies at different levels. Sometimes corruption is something we can actually see, such as hands putting cash into other hands across a desk or through a window; sometimes it is something we intuitively know or can estimate; and sometimes it



The Emperor's New Clothes, original illustration by Vilhelm Pedersen (1820-1859). en.wikipedia.org/wiki/File:Emperor_Clothes_01.jpg

¹ www.andersen.sdu.dk/vaerk/hersholt/TheEmperorsNewClothes_e.html



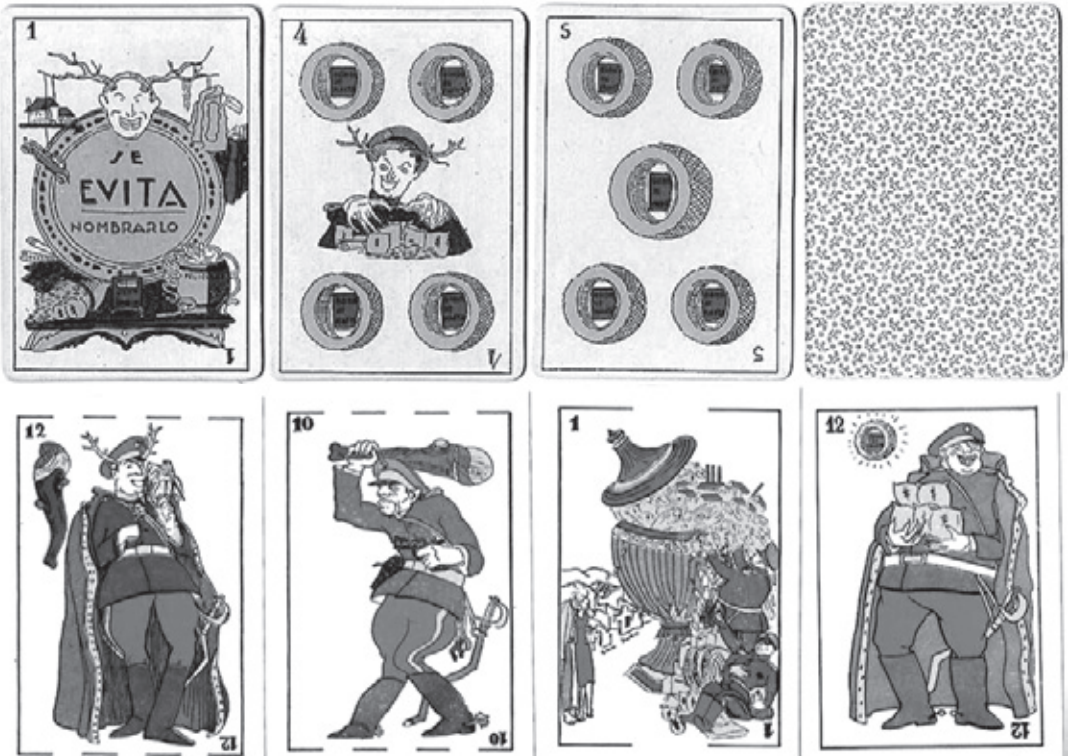
Perón election playing cards, 1951, Argentina

is in places and at levels we have never considered and is very hard to show. It can be out on the streets or deep within societies and institutions, affecting everything from education to health care and from water supplies to construction contracts.

There are two interlinked forms of corruption explicitly enabled by the misuse of power that this report focuses on: the use of power for personal

gain, usually by individuals to increase their direct access to funds; and the use of power and money to manipulate control of a dominant narrative in society – a control often motivated by the need to maintain and expand power.

The Perón election playing cards shown above were circulated in Argentina in 1951 for Juan Perón's election campaign. On each of the original cards



Anti-Perón cards. www.wopc.co.uk/argentina/peron/index.html

there is an illustration of a symbolic celebration of the regime, where Perón and his wife Evita are represented as emblems of “the people” – *el pueblo*. The Perón regime used this form of visual political communication to promote a specific narrative of them as saviours.

The second set of cards is a direct response to the official cards. These anti-Perón cards were released anonymously, also using symbolism and storytelling, but this time to construct a counter narrative that exposes the dark sides of the leader and his administration. The 12 of Batons shows Perón in his military attire portrayed as a thief, a greedy, violent and crooked leader. The 10 of Batons depicts a corrupt bandit-officer of the Perón administration. The Ace of Cups shows military personnel greedily hoarding money and property intended for homeless victims of the 1944 earthquake. The 12 of Coins shows a grinning official loaded with gold. In this set of cards the authors create a commentary that acts as an alternative to the dominant narrative.

The two decks together show a remarkable visual dialogue, one aping the other to add extra weight to its message. The anti-Perón cards are an example of such a moment of integrity. Like the child in the story, the creators call out, but with humour and simple images, to reference stories the readers know. They use the visual element to do the work for them. In using parody they provoke a response and insight that lead to discussion.

Seeing, understanding and exploring corruption

Visual narratives, backed up by evidence, are increasingly being used in this way: to comment on, question and expose different types of corruption and to create this “Emperor’s New Clothes” effect.

In this report, nine different examples are explored, sharing just some of the ways in which artists, activists, NGOs and media from around the world are utilising visual and narrative techniques, often enabled by digital technologies, to call attention to corruption and to expose delusions of power. It moves from looking at how these techniques are being used to help us better see and question corruption, to how we can better understand it, and ultimately how we can directly explore evidence ourselves.

Seeing corruption: Beyond witnessing

New technologies have played a significant role in an increase in the number of exposés. They provide new opportunities and formats for combining data

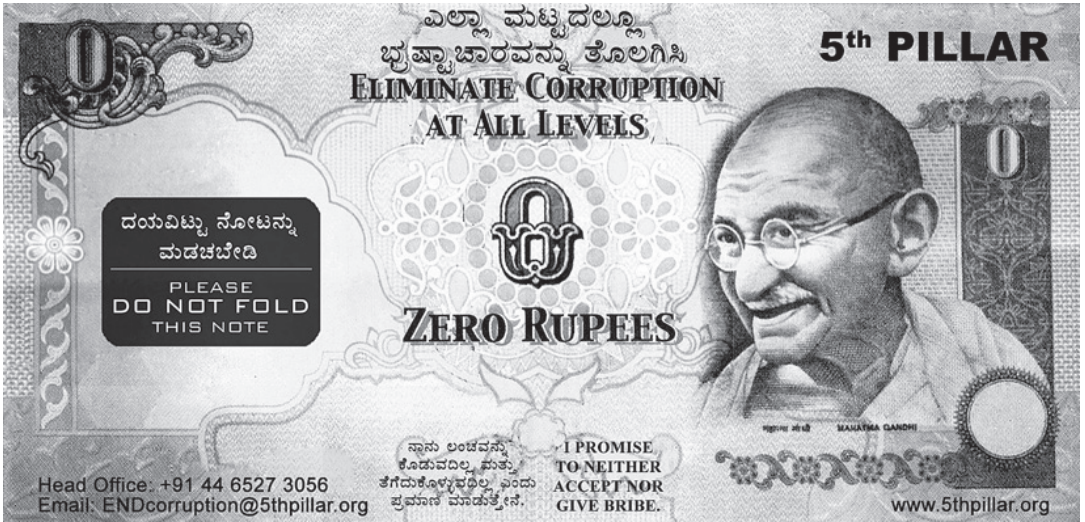


Payback, by Aman Mojadidi, Afghanistan

with visuals and are changing the dynamic of who can document corruption, how they do it, and who they can share it with. Over the last ten years, many activists and artists have used visual evidence to pinpoint and document the moment that corruption takes place. This is much easier with the types of corruption that can be witnessed: for example, the actual act of handing over money to pay a bribe or being directed on how to fill in a ballot sheet. The rise of video-sharing sites such as YouTube has been a significant factor in increasing the amount of citizen-led whistleblowing on such activities. Some artists and activists have gone further though, utilising the visibility and site of these events to make a spectacle of them and call them into question, directly challenging the act in ways that provoke discussion and debate.

Payback is a video installation by Afghan-American artist Aman Mojadidi from 2009² that questions the abuse of power for personal gain at

² www.wearyourrespirator.com/payback.html



Zero Rupee Note, 5th Pillar, India

the person-to-person level. The artist defines the project as a “commentary on corruption and the abuse of power”. Mojadidi, disguised as a fake policeman after purchasing a uniform in the local bazaar, “reversed” the bribes that motorists are regularly asked to pay by the Afghan National Police. Setting up fake check points on the streets of Kabul, he returned a symbolic amount of money to drivers apologising for the misbehaviour of his “colleagues”. The performance was filmed with a hidden camera and shows confused drivers refusing to take the money back. Taking a creative approach, Mojadidi uses a symbolic and provocative action; and by flipping the act, he points to how mundane and everyday this type of corruption is.

Creating a different kind of spectacle, Vijay Anand made the Zero Rupee Note, a campaigning tool created through his organisation in India, 5th Pillar. The Zero Rupee note is a visual aid that mobilises people to say “no” to corrupt officials and to expose where and when bribes are demanded. Designed to look like an Indian 50-rupee note, the note is printed with the messages “Eliminate corruption at all levels” and “I promise to neither accept nor give bribe” in English and Tamil. At the moment of being invited to pay a bribe, the Zero Rupee Note is handed over instead, challenging the expecting party. Even if only a small number of people are actually brave enough to use the note in response to a situation where they would be expected to pay a bribe, its existence provides a vehicle for directly challenging the act and a point of discussion that raises the question, “Should we be handing over any money at all?”

Visual devices can be used in many different ways. In both *Payback* and the Zero Rupee Note a visual artefact that is created is utilised as a central device within an act of confrontation; this then leads to broader discussion outside the actual incident, provoking a direct challenge to those abusing power and to our part in it.

While visual devices can be used to question cultural norms, visual evidence can be an effective way of challenging dominant narratives. Visual evidence works differently, in that it can be direct documentation of an event or a specific situation, as opposed to a created artefact, and this has the power to drive discussion at a deeper level. Visual evidence can be created through witnessing, monitoring or investigative work. Increasingly it is also being found within the masses of information and images circulated on the internet.

In 2006, when satellite maps of Bahrain became available through Google Earth, the service was consequently blocked in-country. Rumours quickly spread that the reason for the block was the evidence that the maps presented of the large tracts of land owned by the royal family, the ownership and use of which had previously been unclear to citizens. When the service was blocked, an anonymous activist then distributed a 45-page PDF document through email and the web that compiled annotated screenshots pointing out evidence of golf courses, islands, stables and palaces. The PDF documented and allowed the circulation of visual evidence showing the illegal private distribution of 95% of Bahrain’s total land area. Through using visual evidence it posed a direct challenge to the dominant

A second look at Al-Safriya mansion, a King's property...



That's right...
An island!
Look for the yacht...
And note the size of it...

This area can accommodate
at least 30,000 Bahrainis!!!

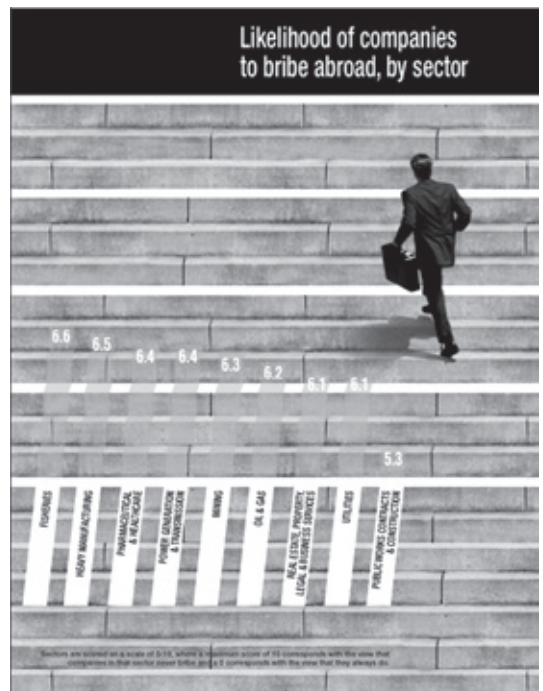
Google Earth PDF, Bahrain

narrative and posed a direct question related to the secretive nature of land ownership in Bahrain.

The different forms of visual storytelling outlined above trigger the audience through a brief interaction using different techniques – ranging from subversion to uncovering evidence – each provoking discussion and debate about different types of abuse of power.

Understanding corruption: Spelling it out

Combining visual storytelling and evidence, it is possible to take a debate further, beyond simply challenging common practices into understanding the issues at hand. This can make it possible to assert greater influence over the viewer, taking them deeper into exploring the issues themselves through the information presented to them. Here



Bribe Payers Index, Transparency International



XYZ Show, Kenya

the visual element is often more of a tool to invite and maintain engagement.

Using a combination of hard data and interactive infographics, the Bribe Payers Index developed by Transparency International³ presents itself to multiple users: it works at the level of information for those who are not fully aware of the problem of bribery and corruption in the private sector worldwide as well as a research tool for those who are interested in thoroughly investigating the subject. Through simple graphics, users can explore the index, which is based on interviews with more than 3,000 business executives, to understand “the likelihood of companies, from countries they have business dealings with, to engage in bribery when doing business in their country.” The data is presented on an interactive website giving the user different levels of engagement, from a general overview using data visualisations, to a more in-depth

understanding and access to the downloadable database, each allowing the user to understand how likely sectors are to engage in corruption for personal and/or corporate gain.

The XYZ Show⁴ in Kenya uses creative storytelling to challenge the dominant narrative promoted by politicians. The weekly spoof news show features latex puppets that portray local and international politicians and gives voice to people’s discontent towards rampant political corruption in Kenya through satire and irony. Using jokes and comedic sketches, XYZ has found a “safe” way to denounce dishonesty and reflect on the complexity of political life in Kenya and the extent of mismanagement of national wealth and resources. Now broadcasting the sixth series, the show is the brainchild of Gado, Kenya’s best-known cartoonist. It took him six years of research and effort before the first episode went on air in May 2009. In an

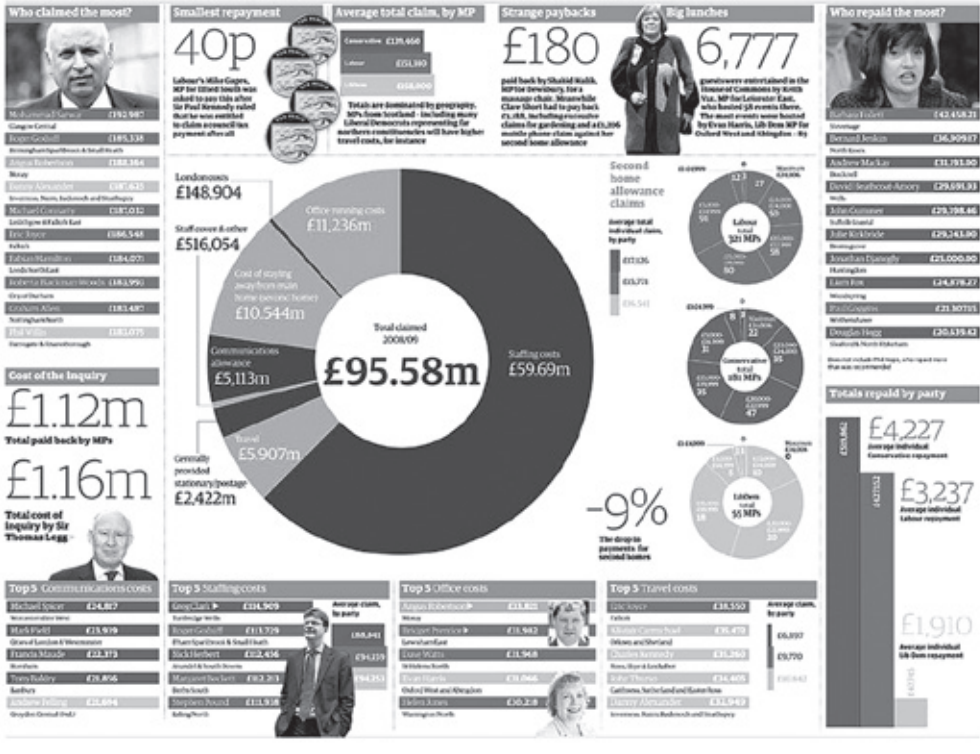


Sichuan Earthquake Names Project, Ai Wei Wei, China

3 bpi.transparency.org/bpiz011

4 www.xyzshow.com

A year in expenses Parliament yesterday released the full details of MPs' claims for 2008-09. This is a snapshot



MP Expenses, Guardian Datablog, UK

interview with the BBC, Gado stated that the struggle against corruption is “everybody’s duty... You can’t put that responsibility on one individual, as every Kenyan should contribute to expose what is happening and to expose corruption.”

After the Sichuan earthquake in 2008, widespread speculation and criticism spread across the internet and media about the way in which the casualties were counted and reported and how the disaster was handled by the Chinese government. In response, Ai Wei Wei – probably one of the most internationally renowned Chinese artists – along with over 50 volunteers started an investigative project to document the names of each of the children who died in the inadequately constructed schools, the so-called “tofu-skin schools”. Ai detailed the project’s methodology on his blog and in a one-year period collected over 5,800 names of children who died. The image on the previous page shows the artist in front of the lists that were gathered; these lists were then reused to create various art works drawing attention to the controversy. As a response, Ai’s blog was blocked and one of the activists involved in the project was imprisoned. The Chinese government, however, finally released

a statement and published an official number of the children who died. Ai then conducted his own investigation and in an open process documented on the web challenged the narrative promoted by the Chinese government.

Through spelling out the details with well-researched evidence, the viewer can start to directly explore specific stories, igniting consciousness and providing windows of information on which to start basing opinions.

Exploring corruption: Providing the details

The rise of new technologies combined with (and often creating the opportunity for) an increase in the amount of public information available is changing the dynamics of who has access to data about corruption and how it can be shared and viewed. The way in which information can be documented, analysed and shared has led to innovative forms of watching from the bottom up by individuals working together. In parallel, our increasing sophistication as users, combined with new formats for organising, displaying and delivering this information, means that our relationship with data is changing. Groundbreaking initiatives such as WikiLeaks, and

MP expenses claimed, 2008/09															
ID	Member	CONSTITUENCY	Cost of staying away from main home (2nd home)	London costs	Office running costs	Staffing costs	Centrally provided stationary	Travel	Staff cover & other	Comms allowance	TOTAL CLAIMED, 08/09	TOTAL CLAIMED 07/08	% change, 07/08 to 08/09	2nd home allowance claim 2007/08	% change in second home claims, 07/08 to 08/09
1	Diane Abbott	Hackney North & Stoke Newington	0	2,916	14,223	109,341	234	6,271	1,243	12,233	142,463	131,735	8	0	
2	Gerry Adams	West Belfast	21,600	0	19,758	98,876	2,398	0	0	0	142,532	137,943	3	21,131	
3	Adam Afriye	Windsor	0	0	18,660	102,205	0	3,385	0	0	124,250	104,652	19	0	
4	Nick Ainger	Cardiff North & Penarth	11,139	0	14,806	93,654	9,065	5,074	0	7,154	140,892	146,530	4	15,385	-28
5	Robert Ainsworth	Coventry North East	20,304	0	21,180	86,639	5,526	2,301	0	10,379	146,329	134,515	9	23,083	-15
6	Peter Ainsworth	Surrey East	10,263	0	15,062	96,982	2,941	1,808	0	8,713	130,769	138,419	6	12,363	-15
7	Danny Alexander	Inverness, Nairn, Badenoch and Str	21,980	0	22,878	89,951	32,949	4,183	0	15,684	187,625	168,478	11	23,083	-8
8	Douglas Alexander	Paisley & Renfrewshire South	10,262	0	15,026	67,297	11,675	5,990	0	8,487	118,737	134,127	11	17,169	-40
9	Graham Allen	Nottingham North	23,935	0	25,753	95,486	16,903	6,942	4,292	10,176	183,487	171,198	7	22,945	-8
10	David Amess	Southend West	19,968	0	7,669	85,785	6,762	5,332	0	11,776	132,292	137,740	0	23,083	-11
11	Michael Ancram	Devizes	10,766	0	8,063	102,968	10,007	2,641	0	0	134,445	135,695	1	15,796	-32
12	David Anderson	Blaydon	22,891	0	12,834	93,333	14,066	4,346	0	9,668	157,339	157,094	0	21,852	0
13	Janet Anderson	Rosendale & Darwen	24,006	0	25,463	96,897	14,632	4,133	0	9,710	174,861	173,556	1	23,039	-8
14	Jean Archwiler	Hampshire North East	24,006	0	12,315	92,471	4,566	1,799	1,829	9,057	146,043	146,192	0	23,083	-8
15	Hilary Armstrong	Durham North West	8,970	0	13,225	89,533	17,032	6,966	0	11,818	147,544	137,636	7	11,712	-21
16	Charlotte Atkins	Staffordshire Moorlands	18,194	0	21,521	100,325	11,711	6,984	0	10,950	160,664	164,458	3	23,083	-21
17	Peter Atkinson	Hexham	24,006	0	19,620	90,698	13,050	1,806	0	5,115	154,295	150,370	3	23,083	-8
18	Ian Austin	Dudley North	23,262	0	22,029	91,887	10,330	9,999	0	11,917	186,424	155,163	7	21,929	-8
19	John Austin	Erith & Thamesmead	21,295	0	10,923	111,422	1,439	1,802	0	6,939	153,920	145,285	6	23,083	-2
20	Richard Bacon	Norfolk South	24,006	0	26,813	94,747	8,166	5,240	0	7,145	166,116	147,498	13	20,888	18

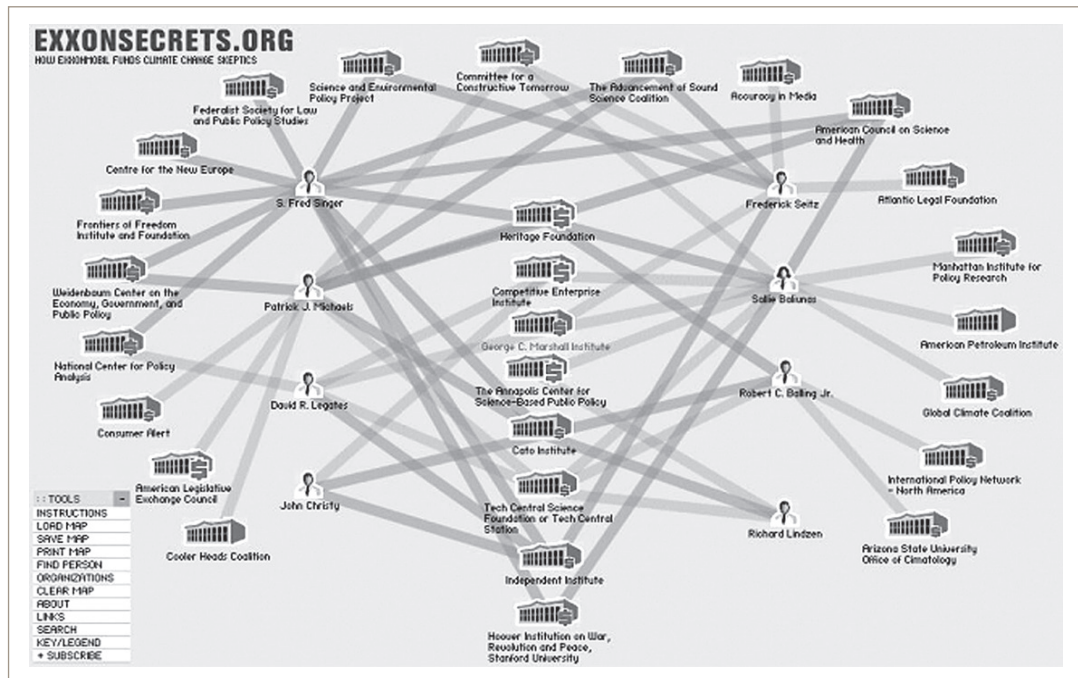
Table of "expenses claimed" organised by parliament member, constituency and exact details of what they claimed.

the popular rise of data journalism, have demonstrated that audiences are willing to look at a high level of detail and will utilise this in formulating opinions.

In the UK in 2009, a scandal around the expenses of members of parliament (MPs) and the amounts they claimed erupted. The controversy was covered extensively by media outlets in the UK. The Guardian Datablog created an infographic highlighting specific aspects of the scandal, simultaneously allowing readers to go beyond a visual executive

summary of the data and directly download the spreadsheet with the specific details of each of the categories of expense claims. This spreadsheet enabled them to go through the information and explore line-by-line how more than 600 politicians misused their power (or not) for personal gain.

Through making an executive infographic and allowing direct access to the data, the Guardian Datablog changed the dynamic between media producer and consumer. Not only did they frame the story with their editorial decisions, but by





Inspector de Intereses, Chile

making the details available they put readers in the shoes of an investigative journalist. The scandal was followed by the media, campaigning organisations and activists and ultimately led to a number of embarrassed members of parliament paying expenses back. Some resigned from their posts, including the Speaker of the House, and criminal charges were laid against three members of parliament.

Exxon Secrets⁵ is a project by Greenpeace US that allows users a similar level of access to detail, but this time to investigate the use of funds by a specific corporation. The online interactive site uses the visual as a route into the data, allowing users to explore the true nature of Exxon's relationship with climate change sceptics. Exxon Secrets presents research on the extent of Exxon's efforts to influence the debate over climate change. It shows how Exxon – one of the largest oil companies in the world – invested over USD 22 million to fund organisations, research centres and think tanks to produce arguments and evidence against an international consensus on the extent and impact of global warming. Through the site users can reconstruct the flows of capital, interactions and connections between Exxon and organisations and individuals involved in the debate. The website offers the reader a number of maps of these connections; in addition, the site allows individuals to reconstruct Exxon's influence and provides sources to directly explore the details

themselves. The site creates a counterbalance and commentary on an important narrative – one controlled by Exxon – and reveals the large sums of money with which it floods a supposedly independent field of study.

In Chile the website Inspector de Intereses⁶ (“Interests Inspector”), produced by the Chilean organisation Fundación Ciudadano Inteligente, uses similar interactive features, providing audiences with detailed information that enables them to map money trails in politics. Chilean law requires that politicians declare their corporate interests and those of their families and that they refrain from voting on issues where they may have vested interests. The project analyses the data that is currently available from the government, identifies holes and raises red flags when there is a suspected conflict of interest. The project has been successful in raising awareness about the lack of adherence to the law and potential cases of conflict of interest, as well as in influencing the behaviour of elected officials, with about 20% offering information directly to the site about themselves. The project aims to keep a watch on the misuse of power for personal gain, but goes further than just awareness raising, engaging politicians directly. It also gathers and investigates evidence as to the extent of the problem. The evidence gathered is used for longer-term efforts to develop the case for stronger disclosure and to campaign for financing norms.

5 www.exxonsecrets.org/maps.php

6 www.inspectordeintereses.cl

While these examples use technology more extensively to facilitate interaction and engagement, this is not the most important aspect of the combination of visual and data presentation. It is the ability of users to see the information directly for themselves that changes the potential for critical and investigative engagement. This form of information visualisation is of course useful for professionals in the field who can then work to expand, adapt and reuse the data, but it also has the potential to allow for a much greater level of influence on end-users as they see the details of misused power clearly. When such projects are tied into longer-term initiatives that interact directly with the systems they are trying to change, they can be very effective as a point of transition or a way to extend the dialogue in the moment.

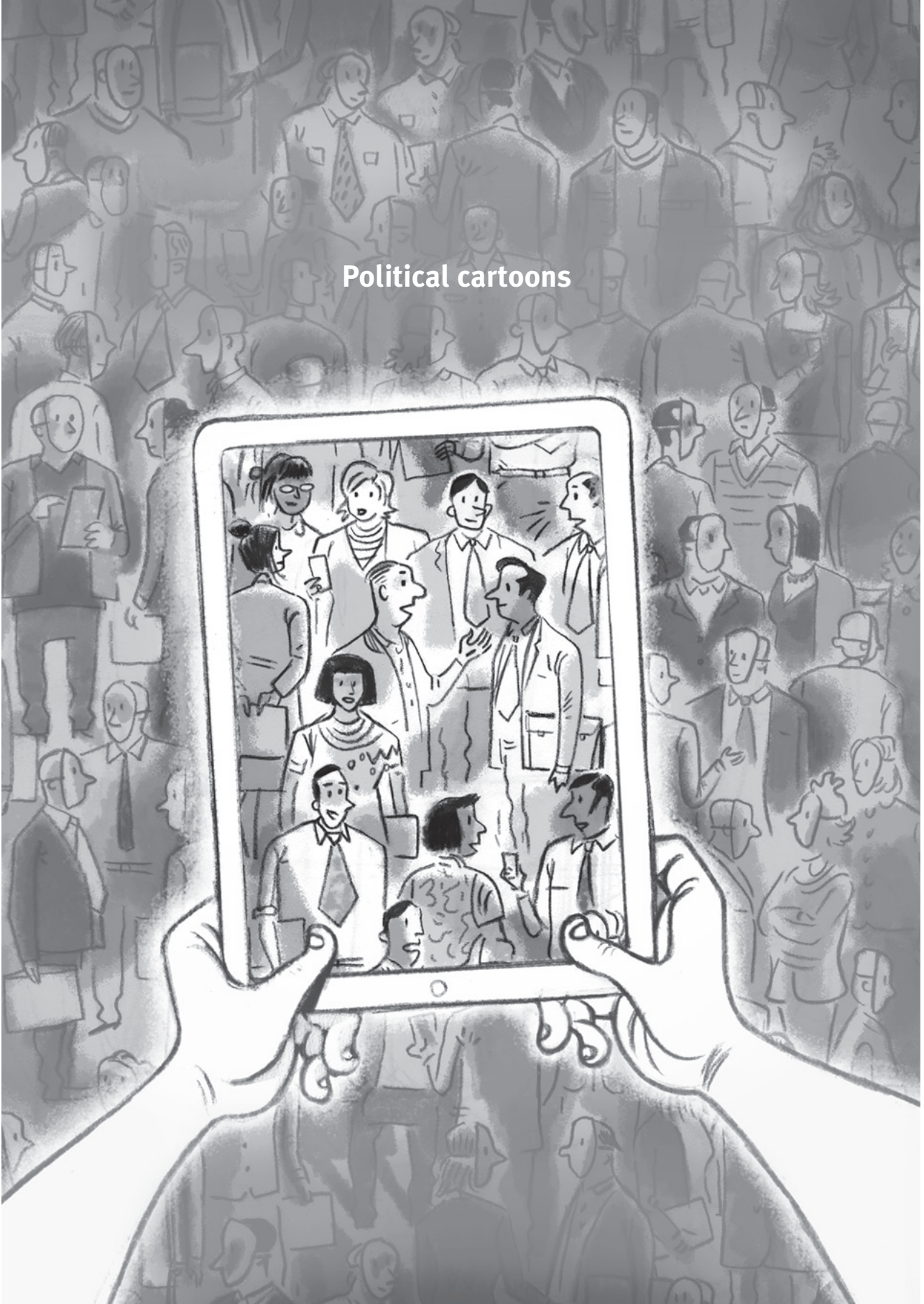
The need to take another look at “The Emperor’s New Clothes”

From seeing to understanding to exploring, the examples here demonstrate some of the many creative and innovative initiatives using a blend of visuals and data to question and raise the debate

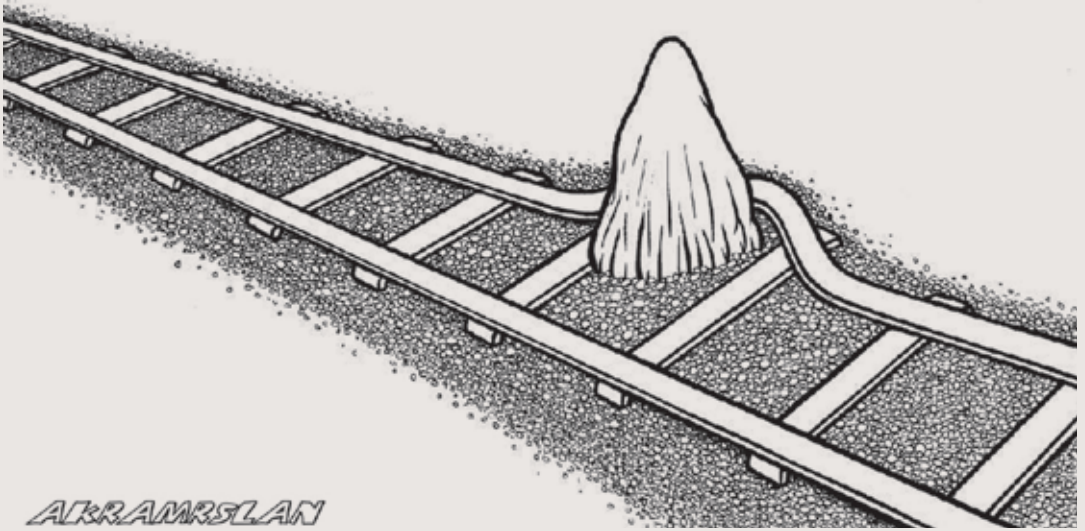
around corruption. These efforts are critical in driving discussion towards specific kinds of corruption, such as the Sichuan earthquake in China or Exxon’s funding of climate change sceptics. It is important, however, that these efforts go beyond just creating visual spectacles or commonly recognised sites of evidence, and that they lead to action, not just to new forms of more “transparent corruption”.

These exposures of delusions of power and its misuse can create the “Emperor’s New Clothes” moment for those who already know and are convinced of what is happening, but need a moment of collective awareness to move them from observing to acting. As Clay Shirky states in his book *Here Comes Everyone*, there are three levels in social awareness and change: 1) when everybody knows something; 2) when everybody knows that everybody knows; 3) when everybody knows that everybody knows that everybody knows. It is this last stage that moves those who are already positioned for change into collective action; it allows us to force our legal structures to work for us and to begin to transform the systemic abuse of power. ■

Political cartoons



CORRUPTION



AKRAM RSLAN

AKRAMSLAN





ARRAMRSLAN



AKRAMSLAN



AKRAMRSLAN







AKRAMBELAN



Country reports

Introduction

Alan Finlay

“Corruption is a plague as old as the world.” – AZUR Développement (Republic of Congo)

The theme of “corruption and the internet” is not necessarily a straightforward one, as it may seem at first. Locating it exactly means crossing several other, and perhaps more familiar, advocacy paths, such as e-governance; secrecy, privacy and transparency; access to technology and information; open data; and media freedoms generally. Corruption clearly also occurs at different levels (e.g. national or local), in different sectors (perhaps involving companies or quasi-independent government agencies), and embroils different role players as perpetrators, victims or advocates for change – officials, police forces, company directors, presidents, citizens, the youth. It can also imply the need to consider the moral temperament of a country (see, for instance, Benin).

Each of these has different implications for advocacy. In the case of sectoral or local-level corruption, the state can be an ally. In the case of national-level corruption, civil society aligns itself with the citizen, to raise awareness and put pressure on the state to adhere to global norms of transparency and accountability.

Talking openly about corruption, in some cases, can also be dangerous. At least two authors withdrew their participation in this year’s GISWatch citing this as the reason. As Mireille Raad (Lebanon) writes:

Unlike other activist issues such as advocating for rights generally, an effective and targeted campaign against corruption will put you in a confrontation with “criminals”. Having a good strategic and even legal background on crime and criminals and a bulletproof game plan in this regard is a must.

Country report authors are divided about how useful the internet can be in tackling corruption. Echoing Bytes for All’s experience that “[e]ven the thought of interacting with a government department is a nightmare for an ordinary citizen in Pakistan,” PROTEGE QV (Cameroon) points out that information and communications technology (ICT) systems implemented in the country’s customs administration “limit encounters with public officials” and in doing so have a positive impact on combating corruption.

The internet is also proving effective outside of the ambit of state institutions – to raise awareness, launch campaigns, and for developing tools to track and monitor corruption (see the South African and Brazilian country reports for examples of this).

Transparency International (see the Jordan country report) argues a direct link between lower corruption and internet access for citizens – a 20% increase in internet access is reported to decrease corruption by 0.60 points. A number of country reports appear to support this, highlighting the role that internet-savvy citizens can play as watchdogs on corruption. In the case of Morocco, DiploFoundation finds that:

Many Facebook groups have emerged to denounce corruption practices in Morocco. People have started taking initiatives to raise awareness about the phenomenon and its impact on the local economy from a citizen perspective.

Anas Tawileh (Syria) comments on the use of platforms such as Ushahidi:

It also reduces the potential for corruption, as employees in the workflow for any service provision within these agencies would know that many eyes are watching over their shoulders. This, effectively, crowdsources monitoring of administrative performance by the citizens themselves.

Initiatives to monitor state activities in a transparent way, and, in effect, to highlight areas of potential corruption are often innovative in their simplicity. In Saudi Arabia, the website 3addad.com – “The Index of Saudi Promises” – tracks local media for project deadline commitments made by Saudi officials, and then lists those projects with a countdown ticker next to each of the commitments made. The motivation behind this site has an emotional clarity that matches its directness. As the site founder Thamer al-Muhaimeed writes: “This index is our memory of the sum of undelivered promises... because we have nothing but these promises.”

SETEM (Spain) finds that online media tend to be more amenable to combating corruption:

[D]igital media or digital publications by the mass media are much more open to covering cases of complaints and violations of rights, while the paper editions of the mass media are reluctant to publish such information.

Similarly, Metatron Research Unit (Hungary) shows that the online news website Atlatzo can pursue stories more persistently than commercial or state-owned news outlets, and focus more consciously on impact:

In contrast to prevailing journalistic practice, claims are often backed up by original source documents which are either linked or published directly on the site. Presenting the evidence in the concrete form of the original source documents boosts the credibility of claims, which is key for anti-corruption work.

However, the watchdog role citizens can play is dependent on a number of factors, including the level of access citizens enjoy, the freedom of institutions such as the media, the ability of citizens to access public events (and to report on those freely), and the readiness with which a state shares information with its citizens.

Independent monitoring initiatives – such as those monitoring municipal spending – are often as good as the quality of data that is made available by the state. And Brazil shows that the authorities can go to great lengths to quash attempts to effect more transparency on spending, making the translation of complex data so that it can be easily understood by citizens virtually impossible.

The question of access to information is raised by several other organisations, including the Electronic Frontier Foundation, which points to the Obama administration's poor track record in granting access to information requests (worse than George Bush's, believe it or not). In the Occupied Palestinian Territory, blocked websites leave the Maan news agency to ask: "Is withholding information from the public an act of corruption, in and of itself?"

As some reports suggest, the link between censorship and corruption can be tangential – one need not necessarily imply the other. But even in the absence of evidence of corrupt activities, in environments that lack free expression and association, and are deliberately censored by the state, corruption is a likely corollary.

E-government programmes – launched to promote an efficient, accountable and transparent government – have also been shown to be as strong as the political will that drives those programmes forward. DiploFoundation finds that Morocco's Prime Minister Abdelilah Benkirane, who was to usher in a new era of accountability in that country, instead "sounded defeated and helpless with no concrete plans to eradicate corruption."

Jinbonet (Korea) argues the following:

In 2012, Korea scored the highest on the e-government index in the United Nations survey on electronic government. On the other hand, Korea ranked 43rd out of 183 countries in Transparency International's Corruption Perceptions Index. Given this, it is clear that the development of e-government does not guarantee transparency in government.

Nodo TAU (Argentina), meanwhile, records a negative experience when it comes to e-voting:

Although information technologies are valued in their ability to increase access to information through the digitisation of electoral rolls, the registration of voters, and the processing and dissemination of results, if applied to the act of voting, they make the process more vulnerable.

Access defines how successfully ICTs can be used in combating corruption. Kishor Pradhan (Nepal) reminds us that any e-government programme must be based on appropriate technology – in this case, an anti-corruption telephone hotline is used more than an online complaints system.

Similarly, CONDESAN and Red Científica Peruana (Peru) offer the following fascinating account of the impact a lack of access has on the citizen-government relationship:

Since there are neither good connections nor appropriate technical staff in rural areas, the rural municipalities have opted to establish an office in the nearest town and move part of their offices to the city. However, this has created discontent amongst the population, who felt that their leaders were governing from the cities. Even with the existence of portals to access information, citizens do not have access to the internet, and therefore, their only option to make themselves heard is to travel to town or the nearest city. Because of this we find that the government has not moved closer to citizens using ICTs – on the contrary, it has moved further away.

Perhaps more than before, globally corruption has created a distinct sense of distrust in nations' leaders. KICTANet (Kenya) notes that:

[A] large proportion of Kenyans believe all or most public officials, including the president, to be involved in corruption. The police are considered the most corrupt, followed very closely by parliamentarians and government officials. The media and civil society are the most trusted groups.

Benin decries the moral decay in that country, in which the youth are seen to be complicit. Remedies are proposed. Other reports, such as Syria, see the youth as a necessary participant in anti-corruption efforts: "[The e-complaints platform] was completely conceived, developed and implemented by young Syrians aged between 14 and 16 years."

This, the report adds, "clearly shows the determination of the upcoming generations to tackle the challenges that hindered the development of their countries for decades." ■

ARGENTINA

THE RIGHT TO VOTE: CAN ICTS SECURE FAIR ELECTIONS?



Nodo TAU

Florencia Roveri
www.tau.org.ar

Introduction

In a context characterised by policies that promote state modernisation, and an intense legislative debate about the reform of the electoral code, the implementation of electronic voting has caused some controversy. On one side of the debate, electronic voting is seen as the panacea that would solve all the problems associated with the act of voting (transparency, security, increasing participation, reduction of costs, and reduction of the time taken to validate and count votes). On the opposite side, there are those who warn that the right to vote should not be left to a group of technology experts who introduce a process that is opaque to most of the people participating in an electoral process.

Policy and political background

In 1912 the Saenz Peña Law¹ declared that voting in Argentina is universal, secret and compulsory for everyone 18 years of age and older. However, it must be mentioned that “universality” did not include women until 1947.² Since 1972 elections have been governed by the National Electoral Code, established by Law 19,945,³ and amended by Law 20,175 in 1983, when Argentina returned to democracy after the bloodiest military dictatorship in the country’s history.

In the 1990s, neoliberal policies were applied entailing a weakening of the state’s role and a loss of confidence in political representation, which, in electoral terms, led to a reduction in citizen participation in voting and an increase in blank ballots. With this background, the national government pushed for political reform that led to the passing of the Act for the Democratisation of Political Representation, Electoral Transparency and Equity.⁴

The Act involves a reform of the Electoral Code, currently underway, that is “aimed to provide citizens with a more modern, flexible, and transparent system that provides legal certainty for the electorate.” Its main issues are the financing of political parties and election campaigns, the digitisation of electoral rolls, the implementation of the Open, Concurrent and Obligatory Primary Elections (PASO, or Primarias, Abiertas, Simultáneas y Obligatorias), the replacement of a system of multiple ballots for parties with a single ballot, and the digitisation of the national identity card.

In this context, electronic voting has generated some public controversies, even in circles close to the presidency.⁵ Although Argentina does not have specific legislation dealing with electronic voting, several cities and provinces have conducted experimental tests, allowed by local regulations. At the same time, four bills on electronic voting are circulating around the legislative chambers and are being analysed by various legislative committees.⁶ These deal with:

- Implementation of electronic voting in Argentina generally
- Voter identification and provisional balloting
- Establishing a single ballot system
- Vote counting and the use of supporting documentation.

The experimental projects were set up by representatives from different parties and provinces. Two of them are in Salta, a province in the northwest of the country and the pioneer province in the implementation of electronic voting. Some projects define what technology to use and others have left the issue to the discretion of the Interior Ministry. Most of them mention a system of electronic balloting, but only one mentions the electronic ballot box. None mention the virtual vote – that is, the elimination of the physical electoral infrastructure and its replacement using the internet. The projects mentioning the internet mainly consider its use for sending the

1 www.elhistoriadador.com.ar/articulos/republica_liberal/saenz_pena_quiera_el_pueblo_votar.php

2 www.elhistoriadador.com.ar/articulos/ascenso_y_auge_del_peronismo/el_voto_femenino.php

3 Ministerio de Justicia y Derechos Humanos (1983) *Código Electoral Nacional*. www.biblioteca.jus.gov.ar/CELECTORAL.html

4 www.infoleg.gov.ar/infolegInternet/anexos/160000-164999/161453/norma.htm

5 La tecla (2012) Aníbal y Randazzo chocan por el voto electrónico, 21 March. www.latecla.info/2/nota_1.php?noticia_id=44991

6 Derecho a leer (2012) Cuatro leyes contra tu derecho a controlar la próxima elección, 10 May. www.derechoaleer.org/2012/05/cuatro-amenazas-contra-tu-derecho-a-controlar-la-proxima-eleccion.html

results to data processing centres, which in Argentina are in charge of the Electoral Justice.

Electronic vote in Salta

“First test of electronic voting in Argentina”:⁷ on 10 April 2011 a local newspaper ran this headline reporting on the election in Salta for the provincial government and legislators. Although there had been previous experiments, Salta’s was the most extensive. It involved a third of the electorate and the test was part of a progressive implementation schedule that was to be completed by 2015, with the objective being electronic voting across the province.

The decision, taken by the provincial government and authorised by the Electoral Court, was not supported by the political opposition, which had a minority status in provincial chambers. In 2010 a group of representatives of different political parties released a document⁸ requesting that the executive review the decision and repeal the electronic voting. “Neither the electoral tribunal, the judiciary or political parties could have sufficiently trained technical staff to control the electronic ballot boxes,” they argued. “We have to trust that the company that provides the system has no interest in the outcome of the vote and can ensure the transparency of the election.”

However, the provincial executive moved forward with its proposal. About 240,000 people voted in terminals installed in 720 polling stations in the capital city and several small towns. The system involved a terminal and an electronic ballot. The software used was proprietary and was provided by Magic Software Argentina, a company with a high degree of international certification and experience in complex systems and data verification.

For voting, voters use a touch screen to say if they want to vote using a complete ballot list of candidates from one particular party, one with candidates of different parties for each office, or a blank ballot (i.e. the voter decides to vote for no candidate). The voters then cast their vote electronically. The terminal prints a paper ballot that includes a chip. The voters must pass it through a scanner installed on the same machine and check that the screen displays what they have chosen. The voters then deposit the ballot in a traditional ballot box. During the verification process, auditors scan

the chips again using a different computer to tally votes. Then the computer calculates the result. The log of the process is sent over the internet to the data processing centre at the Electoral Tribunal.

Official sources declared that the election was a success, except for a few setbacks. Magic Software reported that there were four attempts to hack and bring down the official site on which the results were publicised, but all the attempts were neutralised.⁹ They also mentioned that “seven computers (1%) had problems but they were quickly replaced.” They noted that half an hour after the polls closed, they could inform the public of the first results from the polling points that had used the system.

After the election, the government of Salta announced the schedule for using electronic voting in 100% of the polls for 2013, through the Provincial Plan for the Implementation of the Electoral Reform. They will conduct a survey of schools to check infrastructure and will organise training for teachers, political leaders, journalists and voters in general.

The Centre for the Implementation of Public Policies Promoting Equity and Growth (CIPPEC),¹⁰ which will take charge of training and implementation of electronic voting, conducted an evaluation of the experience, surveying 1,502 voters and 112 presiding officers. It has concluded that a) electronic voting facilitated the task of the authorities and accelerated the verification process; b) the system is easy to use and was widely accepted by the electorate; c) the change of voting system strengthened confidence in registering to vote but weakened confidence in the protection of confidentiality (however, both effects were considered to be mild); and d) electronic voting made the previous system of controls developed by political parties obsolete. However, this creates uncertainty and concern about their ability to control the operation of the new system.

Neither transparent, nor reliable, nor secret

In the days after the election, the news agency Copenoa¹¹ released a video that registered the moment the machine on which the governor of Salta was to vote experienced technical problems. The machine froze, and a young man whom we assume was an employee of the company providing the system went

7 I.profesional.com (2011) El voto electrónico y su primera “prueba de fuego” en la Argentina, 10 April. tecnologia.i.profesional.com/notas/114222-El-voto-electronico-ante-su-primer-prueba-de-fuego-en-la-Argentina

8 www.vialibre.org.ar/wp-content/uploads/2010/05/Escrito-oposicion-voto-electronico-27-05-10.pdf

9 Canal-ar (2011) El voto electrónico funcionó sin inconvenientes en Salta, 11 April. www.canal-ar.com.ar/noticias/noticiamuestra.asp?id=10600

10 Pomares, J. et al. (2011) *Cambios en la forma de votar. La experiencia del voto electrónico en Salta*. www.cippec.org/oea/docs/documentos_de_trabajo/DPP_N_94-PYGG.pdf

11 www.copenoa.com.ar/Maquina-electronica-donde-debe.html

to the computer to change the software and rebooted it using a software CD. “No voting authority or representative of any political party was watching, and even if they were, who would know what was on the CD?” writes Beatrice Busaniche from the Vía Libre Foundation and editor of *Electronic Voting: The Risks of an Illusion*.¹² This situation shows clearly that officials do not have any control over the system – and if so, one of the essential principles of democracy was infringed: the citizen’s right to audit the election.

The opinions about the system were favourable, perhaps because it is considered among the best on the market. However, observers expressed concerns that if the experience were extended to the whole country, it would need to be in partnership with Magic Software because it has a patent on the system in Argentina until 2024.¹³ The concerns expressed were that “it is a private company that suddenly has the power to control, audit and manage the voting act.”

There have been electronic voting experiences with other companies. Indra, a Spanish firm, was used in a project in Marcos Juárez, Córdoba. There were some hitches in this pilot and technicians could not audit the votes.¹⁴ In another case, in Las Grutas, a small town in the province of Río Negro, technology developed by the state company Altec was used. This pilot supported those who opposed electronic voting. During the election so many problems occurred (delays, errors, loss of information) that city councillors reversed the electronic voting ordinance, and apologised through a public document for “buying into the promotions of salesmen.”¹⁵

In the case of Salta, the most critical aspect is that the system could not ensure the secrecy and anonymity of the vote. The system can be interfered with remotely and in this way information about who is being voted for may be obtained. This is what happened in the Netherlands, resulting in the scrapping of electronic voting.¹⁶ Salta’s authorities did not create measures to avoid this risk. Moreover, the fact that the ballot has a wireless chip increases concerns. Each chip has a unique serial number, and the user of the chip can be associated with the number – and in this way the vote linked to each serial number can be known.

Another aspect that must be highlighted is the opaqueness of the technology. A local expert defined the situation as an “expertocracy”, which creates problems with trusting the system. “The issue is: who is technically qualified to know if the system does what its developers say it is doing – especially if the entire source code is not publicly available? Generally speaking, no one doubts the ‘behaviour’ of an envelope, beyond the historical methods of electoral fraud.”¹⁷

As regards the speed of receiving results, this was also reconsidered in the evaluation. After 45 minutes of vote verification, there were no more than six tables of results actually recorded. But the media covering the election relentlessly repeated the results from those tables, claiming that electronic voting was faster. As Busaniche put it: “In Salta, aside from the re-elected governor, the big winners were the promoters of technocracy and those who prefer the privatisation of elections over the exercise of civil rights. And of course, a company that, in its own right, is opening the door to a giant business deal.”

Conclusions

“Electronic voting is seen as a panacea for modern democracies by techno-optimists, and as a ‘Pandora’s Box’ for possible tampering by its critics.”¹⁸ These are the axes of the controversy.

The voices heard in the promotion of the implementation of electronic voting are mainly those of government leaders who propose it as a step to state modernisation and access of citizens to technological development. At the same time, they feel it will make the act of voting more transparent and efficient. The concept of electronic democracy supports this position because of the potential of the internet to improve political participation, to increase access to information, to bring leaders closer to citizens, and at the same time to make all these processes more transparent.

Those who oppose electronic voting, mainly specialists or analysts of social and citizen issues related to technology, address the risks that would result from trusting the act of voting to a computer. They state that electronic voting does not provide any of the benefits it promises. They also stress that is neither transparent nor reliable, and that it threatens the important right to anonymity.

In the electoral arena, the benefits of information technologies in general and the internet in particular should be evaluated from a different

12 Fundación Vía Libre (2008) *Voto electrónico. Los riesgos de una ilusión*. www.vialibre.org.ar/wp-content/uploads/2009/03/evoto.pdf

13 www.patentes-online.com.ar/disposicion-y-metodo-de-voto-electronico-27828.html

14 Smaldone, J. (2010) Así mienten los vendedores de voto electrónico, 14 October. blog.smaldone.com.ar/2010/10/14/asi-mienten-los-vendedores-de-voto-electronico/

15 Fundación Vía Libre (2008) op cit., p. 43.

16 wijvertrouwenstemcomputersniet.nl/English

17 Blejman, M. (2011) El triunfo de la expertocracia, *Página 12*, 12 April. www.pagina12.com.ar/diario/cdigital/31-166037-2011-04-12.html

18 l.profesional.com (2011) op. cit.

perspective. Although information technologies are valued for their ability to increase access to information through the digitisation of electoral rolls, the registration of voters, and the processing and dissemination of results, if applied to the act of voting, they make the process more vulnerable and put its main requirements at risk. Vía Libre Foundation notes that “there is no electronic voting system that respects the right of citizens to anonymity (...) and the inalienable right to participate in the auditing of the voting process itself.”

Action steps

- Electronic voting projects are generally proposed by leaders or legislators who have little awareness of controversies around the implementation of technology. Because of this it is important to develop strategies that highlight in as concrete a way as possible the challenges mentioned above.
- The general public is also not aware of the debates. Mass media mostly cover the benefits of implementing electronic voting. The questioning of the transparency of elections conducted by electronic voting should be more visible in the mass media and on social networks.
- Organisations involved with civil rights should take these issues on board as advocacy issues. This will strengthen the legal opposition to electronic voting. At the moment, the voices heard in Argentina come mainly from the technological field.
- If the implementation of electronic voting carries on, there should be a rigorous and critical analysis of the technology involved, which includes a variety of actors in the evaluation (universities, civil society organisations, etc.). It is important to implement previously used mechanisms for auditing the companies that offer software. ■

BANGLADESH

ICTS AND LOCAL SERVICE DELIVERY IN BANGLADESH



Bytes for All Bangladesh

Partha Sarker and Anir Chowdhury
www.bytesforall.org

Introduction

Over the last 40 years, Bangladesh has become an interesting case study where its low per capita income (USD 700), low literacy rate (around 50%), insignificant computer literacy level and low grid-electricity penetration (less than 50%), coupled with its high population density (1,142.29 people per sq. km in 2010),¹ could not retard its success in human development indicators. Bangladesh has moved up 81% in the Human Development Index (HDI) over the last 30 years. With 99% primary school enrolment, a decreased infant mortality rate (from 145 deaths per 1,000 live births in 1970 to 46 in 2003)² and an increased food security level (near self-sufficiency), it has positioned itself as one of the countries that is geared towards achieving the Millennium Development Goals (MDGs). It also has 90 million mobile phone users, 2.7 million Facebook users, and 99% geographical coverage in voice and data connectivity (mostly through wireless networks)³ – proving the country has attained initial readiness for service delivery using information and communications technologies (ICTs).

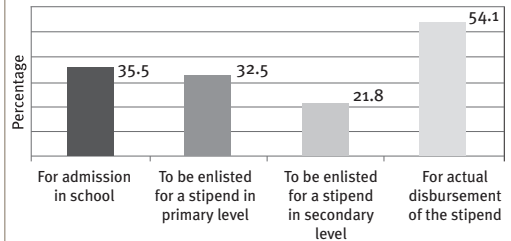
But all these gains have been achieved despite a widely acknowledged governance failure.⁴ That governance failure is often demonstrated by the levels and perceptions of corruption within the country. For five years in a row (2000-2005), Bangladesh topped the global Corruption Perceptions Index prepared by Transparency International.⁵

Policy and political background

Corruption has multiple effects in a society. As Amartya Sen points out, “a high level of corruption can make public policies ineffective and can also draw

FIGURE 1

Corruption in education: Ratio of service recipients forced to pay a bribe



SOURCE: Calculated from TI Bangladesh (2005) *Corruption in Bangladesh: A Household Survey 2004*

investment and economic activities away from productive pursuits towards the towering rewards of underhanded activities.”⁶ The World Bank has identified corruption as the “single greatest obstacle to economic and social development.” In 2004 it estimated that more than USD 1 trillion is paid in bribes globally each year.

In Bangladesh, like other countries, corruption has both direct and indirect effects on the poor. Indirect implications of corruption on the poor include diverting government resources away at the expense of social sector benefits. Direct implications include the fact that corruption increases the cost of key public services targeted to them, and results in restricted or limited access to essential services, as is shown in Figures 1 and 2.⁷

It is generally considered that Bangladesh loses 3% of its GDP due to corruption.⁸ Transparency International Bangladesh (TIB) suggests that almost 75% of more than USD 35 billion in aid received since independence has been lost to corruption. Mauro says, “If Bangladesh were able to reduce corruption by one standard deviation to the level of Uruguay, its investment rate would increase by almost 5% and its annual rate of growth would rise by over one-half percent.”⁹

1 World Bank data on Bangladesh: data.worldbank.org/country/bangladesh

2 UN Human Development Indicators on Bangladesh: hdrstats.undp.org/en/countries/profiles/bgd.html

3 Bangladesh Telecom Regulatory Commission: www.btrc.gov.bd

4 Zaman, I. (2006) *Measuring Corruption in Bangladesh: Can Communication Work?*, Transparency International Bangladesh. ti-bangladesh.org/index.php/research-a-knowledge

5 www.transparency.org

6 Sen, A. (1999) *Development as Freedom*, Oxford University Press, Oxford, p. 275.

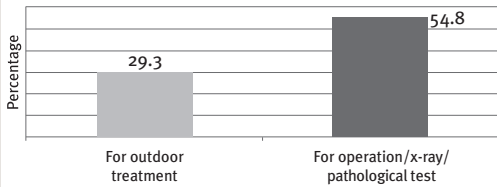
7 Zaman (2006) op. cit.

8 ti-bangladesh.org

9 Mauro, P. (1995) Corruption and Growth, *Quarterly Journal of Economics*, 110 (3), p. 681-712.

FIGURE 2

Corruption in health: Ratio of service recipients forced to pay a bribe



SOURCE: Calculated from TI Bangladesh (2005) *Corruption in Bangladesh: A Household Survey 2004*

There are several policies or legislations that address the issue of corruption in Bangladesh.¹⁰ These include the Money Laundering Prevention Act (MLPA) that enabled the government to set up the Financial Intelligence Unit (FIU) with ICT facilities. The Anti-Corruption Act 2004 helped the Bangladeshi government set up the Anti-Corruption Commission (ACC) with financial independence. The Public Procurement Act 2006 is aimed at ensuring accountability and transparency in public procurement of goods, works or services, and free and fair competition among all the persons interested in taking part in such procurement.

One of the objectives of the National ICT Policy of Bangladesh¹¹ adopted in 2009 is to ensure “integrity”. It has three strategic themes which have a number of action items directly aimed at the reduction of corruption in government. One specific item, namely action item no. 67, states: “[By allowing] citizens to report cases of corruption electronically this would empower citizens by giving them a voice in fighting corruption, thus helping the government fight corruption more effectively.” It was a “short-term action” (to be implemented within 18 months) with the ACC identified as the principal implementing agency.

*Local administration and public service delivery*¹²

Over the past decades, a wide range of useful services to citizens have been provided by the Deputy Commissioner (DC) offices regarding control and supervision of revenue, maintenance of public order and security, licences and certificates, land acquisitions, census, relief and rehabilitation, social welfare, pension matters, education and public

examinations, public complaints and enquiries. The conventional system of office management and service delivery at the DC offices is paper-based, which is time consuming and labour intensive for both the service provider and receiver. DC offices are also unable to meet the high demand for services from the growing population. Moreover, the inflexibility of this process coupled with the shortage of manpower and infrastructure make the services prone to abuse and corruption.

A national household survey¹³ conducted by TIB in 2010 found that 88% of the respondents were victims of corruption in the judiciary, followed by corruption in law enforcement agencies (79.7%), land administration (71.2%), and taxation and customs (51.3%). In terms of bribery collection, law enforcement agencies were at the top (68.7%), followed by land administration (67%), the judiciary (59.9%), and taxation and customs (43.9%). The survey also revealed that 66% of respondents reported having to pay a bribe to access basic services in the previous 12 months, while 46% believed that corruption has increased.

In order to address this situation, District e-Service Centres (DESC) and Union (the lowest tier of local government institutions) Information and Services Centres (UISC) have been introduced to improve the accessibility and transparency of public service delivery at the local and remote level.

*District e-Service Centres (DESC)*¹⁴

A DESC centre is an ICT-facilitated one-stop service centre which provides an efficient electronic version of the century-old manual and heavily bureaucratic service delivery system at every DC office. DESC centres have the following objectives:

- To ensure service delivery at the doorstep of the people in the least possible time.
- To uphold citizens’ rights to information through an extensive information flow.
- To reduce corruption and increase accountability by ensuring an enhanced flow of information and more transparent processes.

The services available at the DC office can be requested and received through the one-stop service counters, online, by phone, by post or by fax.

The first centre was piloted in the Jessore DC office in September 2010. Subsequently, more centres were brought online throughout 2011. Finally,

10 Iqbal, M. (2008) *Tackling Corruption in South Asia: Are the Recent Initiatives Enough? An Appraisal of Bangladesh*, Korea University, Seoul.

11 bdictforum.wordpress.com/2012/03/14/national-ict-policy-2009-of-bangladesh

12 UNDP (2012) Project document of the “Access to Information (II): E-service delivery for transparency and responsiveness” project.

13 Transparency International Bangladesh (2010) *Corruption in the Service Sectors: National Household Survey 2010*. www.ti-bangladesh.org/research/Executive%20Summary_23122010%20FINAL.pdf

14 UNDP (2012) op. cit.

on 14 November 2011, Bangladeshi Prime Minister Shaikh Hasina and United Nations Secretary-General Ban Ki-moon jointly inaugurated DESCs in all 64 districts of the country. Citizens are now able to submit their applications online from service centres located at the DC office, Union Parishad or even from their own home without having to travel to the district headquarters.

Upon submitting their applications, citizens receive an SMS notification with a receipt number and date of service delivery. In addition, citizens will also be able to submit their applications through the District Portal from anywhere in the world, including all the Union Information and Service Centres. Citizens are notified through either SMS or email once the service is ready to be delivered. They can choose to receive the service in-person from the DC office concerned or by postal mail if the application is regarding requests for any documents. During the waiting period, citizens are able to check the status of their lodged applications through SMS or District Portals. This has allowed citizens to avoid in-person visits to DC offices, which previously gave birth to corrupt practices.

Union Information and Service Centres (UISC)¹⁵

UISCs are newly established one-stop service outlets operating at all 4,545 Union Parishads (lowest tier of local government) of the country. Through the use of ICTs, a UISC is able to bring various types of information related to government, livelihood and private services to the doorstep of citizens in rural areas. It ensures that service providers and users save time and cost, and has made operations hassle free. Operating under the Public-Private-People Partnership (PPPP) modality, these centres are run by local entrepreneurs, hosted by Union Parishads and supported by the central administration.

UISCs began operations in 2009 in 30 Union Parishads through partnership between the Local Government Division and Access to Information (A2I) programme. The Quick Win initiative expanded rapidly, culminating in a launch in all 4,545 Union Parishads on 11 November 2010 by the prime minister of Bangladesh and UNDP administrator.

Each UISC is operated by two young local entrepreneurs – a male and a female – under the supervision of a local advisory headed by the Union Parishad's chairman. The Union Parishad provides space and utilities for the centre. The Local Government Division coordinates with the Cabinet Division and Bangladesh Computer Council to establish the basic ICT setup, including computers, laptops, printers, multimedia projector, digital camera,

webcam and solar panel. The entrepreneurs are free to install additional facilities to support business growth, at the same time ensuring that the social sustainability of the centre is achieved by delivering government information and services.

Results achieved

Greater access and efficient processing have reduced barriers of culture, class, gender and distance in the delivery of public services. DESCs have made the service delivery process easy by minimising layers of red tape, time, hassle and cost for citizens. Travelling long distances and standing in long queues to receive services in district headquarters has been eliminated. Services have become truly decentralised with the access to DESC at union level through district portals. An enhanced tracking system ensures more accountability and transparency in public service delivery, leading to better governance.

The average official fee to get a copy of a simple land record is BDT 8 (USD 0.10). However, because of the corrupt practices of unscrupulous middlemen, the bribe paid to them is easily 20 to 100 times this amount. Now, with the introduction of e-services to access land records, the official fee is the only fee paid by the citizens, since the middlemen have no access to how the electronic transactions are done. The elimination of face-to-face interaction with the middlemen has brought about this result.

Also, citizens are saving a significant amount of time and money since they now do not have to travel to district headquarters. Previously, money would be spent on travel for the applicant, travel for an escort accompanying an applicant who is a woman, elderly, illiterate or has a disability, the opportunity cost in terms of daily wages for the applicant and the escort, and sometimes an overnight stay in district headquarters, all of which would create a significant financial burden for the applicant. DESCs accessible from UISCs have eliminated most of these costs.

The tracking number received over mobile phone is a remarkable addition for the elimination of corruption – it allows citizens to track the status of processing and brings a higher measure of predictability. Previously, the unpredictability and the long delays would open up opportunities for rent seeking by non-officer middlemen and sometimes even government officers.

In addition, the dashboards visible to the higher authorities displaying the status of application processing put the officers in the DC office on high alert, increasing efficiency and reducing the tendency to ask for bribes from citizen applicants.

¹⁵ Ibid.

The electronic documents and land records are less prone to corrupt practices of tampering than their paper counterparts. And even if hackers emerge among the government officers, the introduction of digital signatures starting in 2013 will safeguard the electronic documents, adding another barrier to corrupt practices.

Since 14 November 2011,¹⁶ all DC offices combined have finalised 809,219 applications, while 1,280,576 applications are in process; 389,423 land records have been delivered to citizens against 758,153 applications received. Four million citizens visit the UISCs per month to access various services.

Action steps

As indicated by the TIB survey, the majority of corruption occurs at the level of services that the government provides to the general public. Initially the Bangladeshi government pursued automation to improve internal processing and coordination. This resulted in an expensive procurement of state-of-the-art equipment, but did not bring any qualitative change at the service delivery end. Neither did it stop the corrupt practices. Therefore it is important that the government pursue innovative approaches, such as the DESCs and UISCs, and bring as much openness, automation and transparency as possible through decentralisation and e-services. The government should start to use its National e-GP Portal for e-procurement of goods and services. Currently, any local tender package up to BDT 500 million (USD 6 million) for goods or works and up to BDT 100 million (USD 1.2 million) for services can be processed through this portal.

In order to address corruption, the government needs to protect whistleblowers and encourage ICT-based communication allowing anonymity. The parliament enacted an act for protection of whistleblowers in 2011. This needs to be promoted along with the Right to Information Act that may encourage others to seek or share information on corruption taking place even in remote areas.

It is generally believed that ICTs can eliminate the need or possibility of direct face-to-face interaction for people seeking information or services, thereby reducing the chances of abuse of decretory power by officials and opportunities for corruption. But this needs to be backed by enough political will and institutional strengthening efforts. The ACC can prepare a strategic plan for harnessing the full potential of ICTs in its activities, both in prevention and enforcement. Citizens need to be engaged and encouraged to be vigilant in an innovative way that brings forward an anti-corruption friendly environment. ■

¹⁶ Chowdhury, A. (2012) *Service Delivery Transformation in Bangladesh: ICT as the Catalyst and Lessons from Korea*.

BENIN

THE INTERNET CRIME BOOM IN BENIN: WHERE SORCERY AND THE “KINNINSSI” FETISH GET INVOLVED



CréACTION BENIN

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Introduction

Corruption begins at home. The corruption of our leaders reflects a wider moral corruption in society. This report looks at the phenomenon of internet crime in Benin – which is proving an attractive and lucrative outlet for the country’s wayward youth.

The internet has a huge impact on populations in Third World countries. The number of users has risen at an unprecedented rate, due to the countless advantages to be had from the use of the internet. In 1999, we could count over 300 million active “internauts” on the global network. Today, the number of people using this tool far exceeds one billion.

Unfortunately, as some people assert, “Not all we find on the internet is good.” Some people would talk about paedophilia, prostitution and internet crime. The naivety of some internet users has facilitated a new outbreak of internet criminals multiplying their frame-ups without being worried, largely because of the non-existence of an adequate legislative and regulatory environment. Opportunities, everything starts with opportunities. All is due to opportunities. “Opportunities” is the magic word that catalyses the crime. Trying to seize opportunities, people get trapped. They are deprived of all their possessions – sometimes, they claim, under the influence of evil spirits.

Benin, the country of the “Vodun” religion, of sorcery and of the occult, has become a hotbed for internet crime since 2005 – usually the result of student graduates. They can be found crouched in internet cafés, exploring new strategies and ruses. They constantly look for the next victims to swindle using social networks such as hi5, Facebook, Twitter and Netlog. Some even say they use magic: the “Kinninssi” fetish, a formidable Vodun fetish, and sorcery. These phenomena are far from things of the past in Benin: people complain about them every day at the Financial and Economic Brigade (BEF) and to Interpol.

This report tells the story of four young Beninese victims of internet crime. We argue that this is a symptom of rampant corruption in society – a result of a lack of leadership and strong parenting.

A brief, broad outline of the legislative and regulatory framework for the fight against internet crime in Benin

Benin has long functioned on an old criminal code; that is to say, the French Code introduced in the French colonies of western Africa by the decree of 6 May 1877. Unfortunately, this does not cover online criminal activities.

The Council of Europe convention on cyber crime, which came into effect on 1 July 2004, is today the only international treaty which acts as a landmark for any state willing to develop national legislation against internet crime. In view of the extent of the phenomenon, in 2009 the Beninese government, through the Secretariat of the Interior, drafted decree No. 200/MISP/DC/SGM/DGPN/SERCT/DER/SA related to the creation of a division in charge of the fight against internet crime. This decree stipulates that victims of internet crime can approach Interpol or the BEF with their complaints.

However, generally, the legal arsenal devoted to the fight against internet crime is poor in Benin. The only existing law is “the law related to the fight against corruption and other similar infringements in the Republic of Benin” passed by the Beninese legislature on 30 August 2011. This law fills the legal void that has existed when it comes to financial and economic crimes, including money laundering and corruption.

The storyline to a pathetic movie – what a lot of victims!

Two million CFA francs. That is the amount collected by four young Beninese (Yasmine, Erick, Doltaire and Rosemonde) in order to travel to Canada with a view to taking part in a training seminar on development issues. At the beginning, a huge number of emails were exchanged. The schedule of the meeting, the itinerary of the trip to Canada, even the hotel reservations, everything was known in advance by our four young friends. The information they were being given confirmed that everything was going well.

Beforehand, Joseph, a friend of Erick’s, was already whispering to the latter that there are different forms of swindles on internet. “You should be careful Erick; I hope you’re not doing ‘Gay!’”

Joseph didn't listen to his friend and carried on with searching for the funds required by the individual arranging the travel – an internet criminal. Some of their parents were even persuaded to support them financially so that they could afford the attendance fees to the seminar. They were supposed to be given the tickets after they had sent the money. One week before the trip, no more signs, no more emails, no more calls as before, and everything was muddled. They were never going to take part in the seminar. They understood this too late. Despair! Destroyed ambition! They just got ripped off on the internet. Wasn't heaven with them?

Anyway, God took sides: he chose to be with the "Gay men". Those hustler networks, those internet criminals, they are very well organised. They just robbed four naive, credulous young people who believed in their luck! They got tripped like thousands of other victims who thought they were seizing opportunities on the internet. These "offers" are either diverse sales offers (vehicles, household appliances, animals, metals), or loan opportunities (even donations) publicised on specialised websites and offering very advantageous conditions; or they can be invitations to seminars, direct commercial promotions to customers, introductions to networks of pornographic photos and fictitious marriage promises, the fraudulent sale of flight tickets, the delivery of forged diplomas, or the purchase of raw materials for fictitious pharmaceutical factories. The criminals have even succeeded in selling some of the most coveted public places in the economic capital of Benin, such as the historical landmark Étoile Rouge, the symbol of the Marxist-Leninist era in Benin, or the Sun Beach Hotel, a really comfortable hotel, which was subject to a fraudulent transaction on internet.

"Six hundred cases had been recorded in 2006 in Benin at the end of our survey. From 2007 to 2011, many hundreds of internet crime cases were subject to proceedings by the BEF. At least two or three cases per day," said the commissary Dieudonné Dadjo.

The last unimaginable case perpetrated by the "Gay men" in the week starting 20 May was the abduction of an American in Benin. During the press conference organised by the national police services, the American, taken hostage and discovered by the public security forces, has been a victim of the internet criminals' operations. The abductors led him into a trap with a view to getting money out of his family. It was the first time such an operation was carried out in Benin. The technique used by these forgers worked well, since the American was kidnapped. But they harvested nothing because of the involvement of US and Beninese secret services.

Nicknamed 419 scams in Nigeria, the internet criminals are known as "Gay men" in Benin. They appeared in Benin in the mid-2000s, and the phenomenon has expanded like lightning. For a long time the scams were operated by Nigerian people in Benin. But this activity quickly engendered new recruits, mostly student drop-outs. The only aim is "to pay back the Northern countries for the historical debt they owe to the Southern countries," they said. Young people, aged from 15 to 35, attacked the cyber centres, buying a frightening number of browsing hours. "It's a well-paid job," they usually say. The computers are occupied all day long, preventing other people from working. This causes some grumbles or some disputes with the powerless cyber centre managers. This rabble of thieves – very arrogant, proud and impolite – own wonderful villas, luxurious houses that catch the attention and the admiration of the Beninese. They drive nice, top-of-the-line cars and own shops placed here and there in Cotonou city.

Internet: When sorcery and the "Kinninssi" fetish get involved

Sorcery finally got involved in this huge swindle operation led by these young people. Neglected by their parents, they find their way through street education. Fond of the internet and the easy life, they invest in internet crime activities using every occult or evil mechanism or process to affect their customers. They carry out nocturnal journeys because they are part of lodges or other groups. The sorcery, the "Kinninssi fetish" and other occult practices have become "tools for helping them make decisions," then "tools to facilitate access to wealth." Their only aim is to "swindle to become wealthy." No sentimentalism, no state of mind. It's business. When these young people are questioned, they maintain that the "Kinninssi fetish" helped them get, by any means, what they wanted from an individual. Once targeted, the victims give in to their manoeuvres under the influence of occult forces and diabolical processes, and, bewitched, they send money via Western Union. At night, the "Gay men" control the stars through esoteric rites to muddle the spirituality of the targeted people and to possess their mind. Now they say how difficult it is to use fetishes since these are fed with human blood. Fatal accidents on the road and tragic deaths are often caused so the fetish can be fed with human blood. Sometimes, the difficulty in finding human blood for the fetish becomes the cause of "tragic deaths by accident" among "Gay men" themselves.

Analysis

The development of information and communications technologies (ICTs) has facilitated many negative behaviours amongst young people. The globalisation of the economy and resources has driven the world into a situation where values have disappeared and been replaced by a world with jungle law: “The strongest will always dominate the weakest.” This system perpetuates and generates frustrations among young people. “We are going to get our revenge on those colonisers who have been treating us roughly for centuries.” This message is strong, and supports the aim that the “Gay men” have given themselves – even though the irony that many of their victims are Africans escapes them.

The economic crisis and the impoverishment of Southern countries have facilitated the rise of juvenile delinquency. In Benin, the indicators are critical. The socioeconomic environment is characterised by a weak human development level with a Human Development Index score of 0.42%. Benin is ranked 158th out of 173 developing countries; 67% of the rural population and 55% of the urban population is considered as poor and vulnerable to poverty. The illiteracy rate is estimated at 67.4% overall, and 78.1% for women.

The state is resigned. Society, being an accessory, is also resigned and powerless. Before, in the socio-cultural communities, when a child stole something, other parents or members of the community could inflict a punishment before his parents came. Why? Because by doing this, the child made his family ashamed, and even the whole community. This age is bygone. Today, when you misappropriate millions or billions, you are congratulated, applauded.

All this is followed by the resignation of parents facing the education of their children. This incompetence sustained by the complicity of the parents has facilitated delinquency, corruption, theft and internet crime. The society has no values apart from those created by the youth. Obviously, the politicians and businessmen have shown their weaknesses, and the internet criminals resemble them. The politician misappropriates billions of CFA francs. The investigation committees that are created are nothing else but farces to legitimise the impunity. The youth, without any solid landmarks, face the damaging of human values, and give themselves other chances to survive thanks to the business on the internet. Business! Oh yes!! And they are busy with it, those abandoned children.

What do they actually gain with the sorcery, with the “Kinninssi” fetish, if they must die with lifeless

bodies on the roads and the highways? What do they gain with those luxury cars, those villas that they finally abandon, lying down in their caskets and saying goodbye to life? It’s not their fault. It’s the way the world is going.

Beyond the legislative and regulatory environment, developing countries such as Benin don’t have effective means to fight against this phenomenon. The efforts that are made are just proportional to the existing means. Yet, according to the saying, “desperate times call for desperate measures.” The public powers, which drain public savings, should develop mechanisms and strategies to bring an end to internet crime. The maintenance of a good business climate in Benin among traders is at least some guarantee for the safety of online activities and, above all, for a good brand image of the country at the international level.

Conclusion

We have explained the problem. As far as we are concerned, our role is not to moralise. Our role is to sensitise users so that they can become aware of the phenomenon that is internet crime.

The youth have to take charge of themselves in another way, taking up the challenges they are facing. And the state has the obligation to accompany the education of these young people by offering them suitable environments for their growth – because no one is wicked voluntarily. Beninese youth have to draw from the country’s psychological, emotional, mental and spiritual resources to find the right answers to their concerns. Development is not just a word. It’s planning, strategy – it’s work.

Action steps

We recommend the following:

At the state level

- The state has to improve the legislative and regulatory environment that fights against corruption, internet crime and other similar infringements.
- The authorities have to help disband the internet criminals in the cyber cafés through persuasion and dissuasion.
- The Beninese state has to create a suitable environment by protecting its citizens against internet abuses.
- The state has to sign bilateral and multilateral partnerships with other states to develop cross-border policies on internet crime.

At the level of parents

- Parents have to assume their parental duties to educate their children.
- They have to be more engaged in their children's lives, and informed about their activities.
- Some parents have to stop desecrating cultural heritage. This is necessary for the growing society to be a society of justice that respects values and contributes to the development of the human being.

At the level of children

- Children have to understand that they are the future of the nation and they have to work to take up the challenges that are waiting for them, including corruption and unemployment.
- They have to work at school so as to be role models for society.
- ICTs facilitate communication, and so, life. They have to draw from these tools all the applications that can guarantee them their financial independence and their future. ■

BOLIVIA

ACCESS TO INFORMATION IN BOLIVIA: LESSONS LEARNED IN POLICY MAKING



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Introduction

The new constitution of Bolivia approved in 2009 promotes access to information, transparency in governance and the strengthening of citizen participation in the monitoring of the state administration. These require administrative planning processes with multi-sectoral actors, as well as public consensus. Since 2010 REDES Foundation, in alliance with the Agency for the Development of the Information Society (ADSIB), a state institution, have promoted the development of public policies in the field.

This experience shows that public policies related to access to information and transparency require certain abilities, namely: a trans-disciplinary approach to information and knowledge management; the development of expertise in disciplines such as communications, information technology (IT), systems analysis, statistics, and archival management, as well as the development of sustainable public-private models that provide free services, training and interplay.

Public policies on access to information should align with the real-world context that determines access to technology, which in the case of Bolivia implies three action areas: improving the level of internet penetration; increasing the use of technologies for development; and taking advantage of the high penetration of mobile technologies, creating public-private business models that allow free access to information.

International policy for access to information in Latin America

The Latin American framework for the promotion of access to information consists of three parts. The first is related to the right to information, and includes the Universal Declaration of Human Rights and the American Convention on Human Rights. Both lay the foundation for the right to information and guarantees for freedom of expression. The second framework corresponds to the commitments that the American states have adopted in terms of

fighting corruption, particularly the Inter-American Convention Against Corruption of 2007. The third framework encompasses agreements and responsibilities in terms of e-government, including the commitments adopted at the Geneva 2003 World Summit on the Information Society (WSIS), which proposed the vision of the information society driven by the member states, and the Tunisia 2005 WSIS follow-up, which proposed a series of mechanisms to bridge the digital divide and promote internet governance, with e-government as one of its priorities.

At the regional level, the states of Latin America and the Caribbean (LAC) address strategic aspects related to the adoption of information and communications technologies (ICTs) in the public sector in the Bavaro Declaration.¹ The Santo Domingo Declaration² deals with modernisation through the implementation of e-government strategies that include citizen participation. The Ibero-American Charter on E-Government³ ratifies state reforms, and recognises the citizens' right to interact electronically with the public administration. It also recognises the state's irreplaceable role regarding electronic service delivery, suggesting the general conditions for e-government development. Finally, the eLAC 2015 Plan, administered by the Technical Secretariat of the Economic Commission for Latin America and the Caribbean (ECLAC), deals with the obligations of the state when it comes to the construction of the information and knowledge society in Latin America.

In general terms, the above frameworks are not consistently applied when it comes to the transparency of and access to public information in Latin America, and Bolivia is no exception. This creates different approaches amongst different government actors. For example, the Ministry for Transparency and the Fight Against Corruption prioritises the international approach that privileges the battle against corruption; the ADSIB prioritises the e-governance framework; while REDES Foundation promotes the use of the three international

1 www.cepal.org/prensa/noticias/noticias/9/11719/Bavarofinal.esp.pdf

2 www.clad.org/documentos/declaraciones/declaracion-de-santo-domingo

3 www.clad.org/documentos/declaraciones/cartagobelec.pdf/view

normative frameworks for the design of access to information public policies.

Executive and legislative initiatives on access to public information

In mid-2012 two public policies on transparency were launched, as well as two legislative initiatives that would contribute to building a favourable political environment for e-government and a transparent public administration. These processes are undergoing their first stages of implementation. In 2006, through the executive, the Ministry for Transparency and the Fight Against Corruption implemented the National Policy on Transparency, which in turn enabled some central-level institutions to foster public accountability and publish administrative information on their websites. Simultaneously, in 2008, the ADSIB designed the Bolivian Electronic Administration Programme, which aimed to “institutionalise the formulation, approval, execution, follow-up and evaluation of the processes of public services and the improvement in the quality of the internal processes of government entities, through the implementation of ICTs to promote administrative transparency and deepen social participation in the public administration.” The programme only includes ministries and vice-ministries.

In 2009 the Plurinational Legislative Assembly approved the new Constitution of Bolivia, in which Articles 106 and 107 recognise the right to information and communication; Article 20 establishes that telecommunications are a basic service; and Article 26.1.5 establishes the right to participation. However, all the aforementioned provisions still require the development of specific laws and regulations – even now in mid-2012. Furthermore, Article 75 of the ICT and Telecommunications Law approved between 2010 and 2012 establishes that it is mandatory to set up e-government in all public institutions, thereby creating new responsibilities for the government and obliging the vice-ministry of telecommunications to develop specific regulations, which they are currently still in the process of doing.

Lessons learned on the design of public policies on access to information

REDES Foundation together with ADSIB has participated in the formulation of the Bolivian Electronic Administration Programme, and had a direct involvement in the design and approval of the ICT and Telecommunications Law in Bolivia. Currently, REDES is also responsible for the design of the municipal government e-government standards, with

the support of UNESCO and the participation of the Plurinational Council on Information and Communications Technologies (COPLUTIC); this council comprises the Ministry of Public Works represented by the Vice-Ministry of Telecommunications, Services and Housing, the Ministry of Communications, and ADSIB. The following are some of the lessons learned:

- **Multidimensional theoretical-methodological proposal** It is essential to build an approach that allows combining the right to information, transparency and e-government.

In our experience, such a proposal should consider the right to information and freedom of expression as human rights, and as a basis for any transparency and access to information initiative, either public or private.

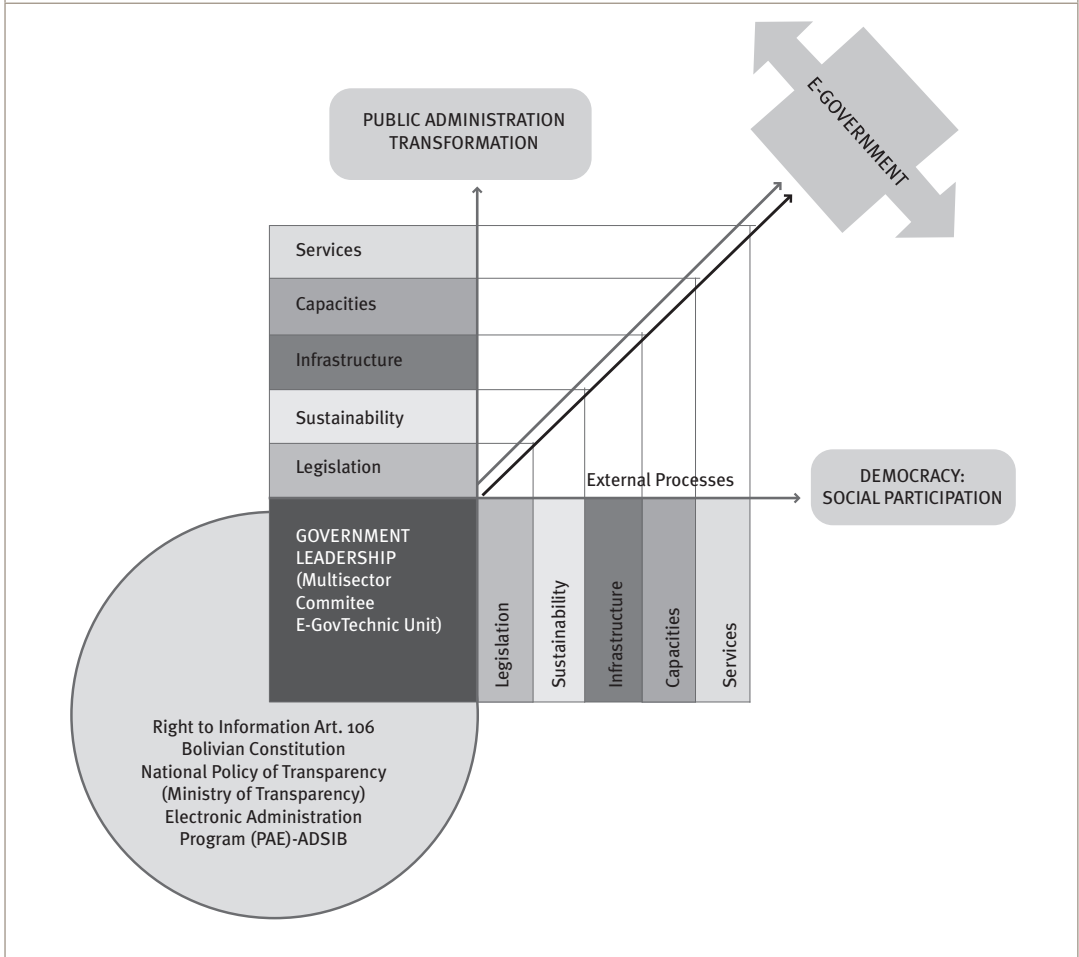
The right to information will promote transparency and strengthen democracy through social participation and influence over the government’s actions. Both processes require the development of internal and external institutional reforms that guarantee progress in the implementation of an e-government framework in Bolivia.

The multidimensional approach to the right to information allows us to view it from different perspectives, disciplines and actors. Furthermore, it focuses on a deeper social participation rather than simply adopting ICTs in governance. It recognises the cross-cutting nature of the process, since it affects the actions taken at regional, national, departmental, municipal, community and private levels. Finally, it implies methodological learning in terms of the way that internal and external institutional reforms need to be set up in the short, medium and long term.

- **Fragmented initiatives among government actors** One of the main barriers hindering the institutionalisation of the right to information in Bolivia is the fragmented approach of the public sector. As stated before, some actors prefer to approach the problem through the lens of their own agenda: some would choose the fight against corruption, some the application of ICTs in the public sector, and others would focus on the establishment of the right to information as a basis for democracy. It has been noted that there are no approaches that articulate these three visions (information, transparency and e-government) in a multidimensional approach, which is what REDES is aiming for.

FIGURE 1

E-government model for access to information



- Participation of non-governmental actors** The design of public policies for access to information requires overcoming a lack of methodology related to the effective involvement of actors from the private sector, academia and civil society. In the majority of cases, the design of such policies includes the consultation of some “specialised” actors that do not always represent the interests of the population, which is why it is important to broaden consultation.
- An e-government model for access to information** The operational level requires the implementation of internal and external reforms in public institutions in order to effectively enforce the right to information.

During the Information For All Project, financed by UNESCO, REDES Foundation proposed the model illustrated in Figure 1, which defines three main activities in order to develop a successful e-government strategy: 1) start with government leadership, 2) define actions oriented towards transformation, and 3) focus on the modernisation of public management.

Each area is complemented by five concrete actions that include the development of:

- Legislation** to guarantee that the transformations are legally backed in the long term.
- Sustainability** to guarantee that the implementation of e-government becomes institutionalised,

that it forms part of the governmental culture, and becomes an essential practice in the dynamic between local government and citizens.

- *Infrastructure* to guarantee the acquisition and maintenance of appropriate technology to overcome the digital divide.
- *Technical capacity* to ensure that officials as well as citizens learn to use and control the technology and information in order to promote development.
- *Online services* to facilitate the simplification of procedures, administrative transparency, access to information, democratic participation and an improved and modern interrelation between the government and its citizens.

Conclusions

Latin America has a short history of public policy implementation in terms of access to information as a human right. There are three tendencies in terms of international instruments: 1) initiatives that privilege the fight against corruption with preventive and punitive measures; 2) initiatives centred on the adoption of ICTs in public administration or e-governance; and 3) initiatives that focus their efforts on the establishment of the human right to ICTs as a basis for modernising the public administration, including internal and external processes.

One of the most important methodological challenges to promote access to public information in this region is combining the international instruments of 1) the fight against corruption and the promotion of transparency, 2) e-government and 3) the right to information as a human right.

The design and implementation of public reforms in terms of access to information by entities with no decision-making capacity also constitutes one of the main barriers that hinders the uniform establishment of the right to information as a daily practice in the public administration and amongst the citizenry. Such initiatives become partial, and have a short reach and limited impact for small groups of the population.

It is imperative to build a national legal framework that includes international standards and effectively integrates the right to information, the fight against corruption and e-government.

It is important to promote the participation of civil society throughout the process of developing and implementing public policies on access to information.

An effective and comprehensive e-government model should consider the development of internal and external reforms in at least five fields: legislation, sustainability, infrastructure, technical capacities and online services.

Action steps

- It is necessary to encourage a public culture that insists on the right to information, and which helps create a basis for citizen participation in and influence over the public administration.
- It is important to create a public culture that includes the protection of private and personal information.
- Free access to information, low-cost solutions and the use of mobile technologies need to be emphasised in the development of information initiatives. ■

BRAZIL

WHERE DOES THE MONEY GO? THE CHALLENGE OF TRANSPARENCY IN STATE SPENDING



GPoPAI

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Introduction

Accessing public financial information is essential for transparency in government actions in order to increase confidence in the state and accountability. According to the Organisation for Economic Co-operation and Development (OECD),¹ “Access to information, consultation and active participation in policy-making contributes to good governance by fostering greater transparency in policy-making [and] more accountability.”

The use of information and communications technologies (ICTs) for the publication of information on public finance on websites can be observed in many countries since the early 2000s.² Usually, these portals publish budget laws, definitions and other technical supporting documents for the interpretation of published financial data. It is important to note that the websites have different refresh rates for information about income and expenses. The level of detail, formats used and quality of accounting information are also very heterogeneous, usually corresponding to the government’s commitment to transparency.³

In Brazil, Complementary Law 101/2000 (Fiscal Responsibility Law)⁴ is the federal legislation that provides budget transparency and was enhanced by Complementary Law 131/2009,⁵ also known as the “Transparency Law”. It establishes penalties for state institutions which do not make detailed and up-to-date budgetary information available to citizens on the internet.

The Transparency Law obliges all Brazilian public entities (executive, judiciary and legislative bodies at the federal, state and municipality levels, as well as in the federal district) to publish detailed budget data online in real time, and defined the following deadlines for compliance:

- Federal government, states and municipalities with more than 100,000 inhabitants: May 2010
- Municipalities with between 50,000 and 100,000 inhabitants: May 2011
- Municipalities with up to 50,000 inhabitants: May 2013.

So, since 2009, many financial and budgetary governmental websites have been launched; but, unfortunately, the information provided has not reflected an ideal level of detail and many other difficulties also prevent citizen oversight. There is a lack of standardisation and it is very hard (or even impossible in some cases) to make comparisons and track spending among different levels of organisations, as two studies show.⁶ This also highlights cases that illustrate problems in budgetary disclosure.

The “Para onde foi o meu dinheiro?” project

As the information about revenues and expenses on federal financial and budgetary websites is published in such a way that makes it difficult to visualise governmental expenses, a hacker group called São Paulo Perl Mongers has started the “Para onde foi o meu dinheiro?”⁷ project, a Brazilian version of the “Where does my money go?” initiative.⁸

Information about public expenses was displayed in a more convenient way for citizens through graphical visualisation, and the project rapidly attracted attention from civil society organisations and the media. The first impact was that the visualisation generated from data provided by official sources showed that around 80% of the Brazilian federal government budget, or one trillion Brazilian reais (USD 500 billion), was spent in the “Diversos”

1 OECD (2001) *Citizens as Partners: Information, Consultation and Public Participation in Policy-Making*, OECD, Paris.

2 World Bank (2004) *Making Services Work for the Poor: World Development Report 2004*, World Bank, Washington D.C.

3 Solana, M. (2004) Transparency Portals: Delivering public financial information to citizens in Latin America, in *Thinking Out Loud V: Innovative Case Studies on Participatory Instruments*. www.worldbank.org/socialaccountability_sourcebook/Regional%20database/Case%20studies/Latin%20America%20&%20Caribbean/TOL-V.pdf

4 Government of Brazil (2000) Lei Complementar Nº 101. www.planalto.gov.br/ccivil_03/leis/LCP/lcp101.htm

5 Government of Brazil (2009) Lei Complementar Nº 131. www.planalto.gov.br/ccivil_03/leis/lcp/lcp131.htm

6 Craveiro, G. S., Santana, M. T. and Albuquerque, J. P. (2012) *Assessing Open Government Budgetary Data in Brazil*, submitted. Also see: INESC (2011) *Budget Transparency in Brazilian Capitals*. internationalbudget.org/wp-content/uploads/Budget-Transparency-in-Brazilian-Capitals.pdf

7 www.paraondefoiomeudinheiro.com.br

8 wheredoesmymoneygo.org

(“Various”) category of expenses,⁹ which has no legal definition.¹⁰

The Brazilian federal government at first reacted by denying any kind of problems with the budget or its disclosure, but after a while changes were made to the data put on its website. As a result, “Para onde foi o meu dinheiro?” had to discontinue its federal budget visualisation work, as some information was lacking from data published on the official federal website. The only graphics that “Para onde foi o meu dinheiro?” show now are the 2010, 2011 and 2012 São Paulo state budget visualisation.¹¹

When asked about the release of complete information, the federal government (namely, the Office of the Comptroller General of Brazil) replied that the data for web publishing was being reformatted according to a “Restructuring the Transparency Portal” commitment. But it is important to note that this commitment was signed in the context of the Open Government Partnership (OGP) and the corresponding Brazil Action Plan, which set an initial deadline of September 2012,¹² which was then moved to September 2013¹³ and, recently, “the deadline was updated to December 2013.”¹⁴

The “Cuidando do Meu Bairro” project

The “Cuidando do Meu Bairro” (Taking Care of My Neighbourhood) project,¹⁵ run by GPoPAI, aims to provide a tool for citizen engagement and to provide oversight of specific expenditures on the city’s public facilities. To achieve this, City of São Paulo expenses are geolocated and displayed on a map, allowing anyone interested to make links to her/his everyday life.

The tool is available on the web and has received the attention of a very important network in São Paulo, “Rede Nossa São Paulo”¹⁶ (Our São Paulo Network), which comprises more than 600 civil society organisations working in areas as diverse as education, health, housing, environment, security and leisure.

This ongoing partnership with Rede Nossa São Paulo will give valuable information on how access to budget information affects the relationship between civil society and public administrators at the municipal level. Better access to budgetary information can influence the construction of policy agendas within social organisations.

One of the first findings is that, despite the detailed expenses data disclosed by the São Paulo municipal government, some aggregation that prevents public oversight was found. In the 2011 São Paulo budget, for example, many well-described enacted actions, such as “Sister Annette School construction in the Ermelino District”, had no money allocated to them. On the other hand, there are many expenditure items described poorly, such as “22 schools construction”, which were allocated or settled. This is neither transparent nor accountable practice.

2013 – a worrying scenario

The previous projects rely on budgetary and spending data in order to provide citizens with the tools to exercise public oversight. As mentioned, the level of detail is unfortunately not high enough, and it is getting worse for 2013. Important changes in the disclosure of federal budgets will make it impossible to track individual governmental actions.

As soon as two civil society organisations, Cfemea¹⁷ and Inesc,¹⁸ became aware of the changes that were being made by government without any publicity or consultation with civil society or even the parliament, they alerted activists. As a result, over 90 movements and organisations have signed a letter¹⁹ denouncing the changes and demanding the democratisation of the budgeting process. Following from this mobilisation, a dialogue among civil society organisations, the government and the rapporteur of the Budget Guidelines Law for 2013 was started, mediated by the Joint Budget Committee president.

What will happen now is that each ministry will detail its budget according to a new instrument called the “Budget Plan”. Unfortunately, this will be an internal exercise, and the plans will not be published broadly, prejudicing transparency and better conditions for social control over public spending. Without access to the budget plans, the Brazilian parliament, which reviews the budget proposals for 2013, will have no knowledge about how resources will be spent on some governmental actions, as many of them have been aggregated. This hinders parliamentarians and

9 Loenert, L. (2011) Afinal, para onde foi o meu dinheiro?, *Webinsider*, 13 May. webinsider.uol.com.br/2011/05/13/afinal-para-onde-foi-o-meu-dinheiro

10 Federal Budget Office (2012) *Manual Técnico do Orçamento*. www.portalsof.planejamento.gov.br/bib/MTO

11 www.paraondefoioemudinheiro.com.br

12 Government of Brazil (2011) Brazil Action Plan for the Open Government Partnership (first release), p. 15. www.acessoainformacao.gov.br/acessoainformacao.gov/acesso-informacao-mundo/governo-aberto/ogp-brazil-actionplan.pdf

13 Government of Brazil (2011) Brazil Action Plan for the Open Government Partnership (second release). www.opengovpartnership.org/sites/www.opengovpartnership.org/files/country_action_plans/BR-PlanoDeAcao-ActionPlan.doc

14 Office of the Comptroller General of Brazil (2012) *Balanco do Plano de Ação do Brasil na Parceria para Governo Aberto*. www.cgu.gov.br/PrevencaoDaCorrupcao/CompromissosInternacionais/ogp/documentos/arquivos/Balanco-Plano-Acao-Brasil-OGP-outubro2012.pdf

15 www.gpopai.usp.br/cuidando

16 www.nossasaopaulo.org.br

17 www.cfemea.org.br

18 www.inesc.org.br

19 www.inesc.org.br/noticias/noticias-do-inesc/2012/julho/junho/carta-aberta-ao-governo-federal-e-ao-congresso-nacional-pela-democratizacao-e-transparencia-do-orcamento-publico/view

the participation of civil society organisations in the debate on the budget bill and its execution.

After the mobilisation, it became apparent that the government was resistant to adopting the measures suggested by the parliament to ensure transparency and respect for society's right to know exactly how public resources are spent.

The reasons for the veto against sharing the budget plans were explained in this way: "The Budget Plan is a management tool, optional, and is intended to allow both budgeting and the monitoring of financial execution at a more detailed level." Brazilian civil society demands were not accepted by the government because they would "broaden the goals of the Budget Plan [and make it unenforceable]." With such a decision there is no guarantee that details of government actions will be available for public access.

The government's refusal could be seen in the 2013 Draft Budget Bill published on the Planning Ministry's website. It shows that none of the demands made by social movements and organisations have been considered. The number of government actions with explanatory details has been reduced. Descriptions of umbrella actions hide other actions that were previously described, and there is no matrix to make links between what has changed and what has remained the same. This will certainly prevent further analysis that has been done for years by various organisations and movements. This will sacrifice transparency of public spending and social control.

There are several examples that demonstrate how changes have made the budget less transparent, less participatory and less democratic. These weaken discussions in parliament and raise difficulties for public monitoring and participation.

Two initiatives in the Budget Act of 2012 which would have provided technical assistance and rural extension for diverse groups were combined in the budget proposal for 2013.

Before the change it was possible to identify specific actions for different groups, including indigenous peoples, family farmers, Quilombo (Afro-Brazilian) communities, and rural women.

These groups have organised social movements and campaigns, agitating for their rights through allocations in public spending. With the changes, this political action will be frustrated.

Another example that demonstrates the lack of transparency in the current budget proposal is related to the policy for prevention and control of HIV/AIDS. This policy is internationally recognised for the active participation of civil society in its formulation and monitoring. In the Budget Act of 2012, there are only three specific budget actions, and in the budget proposal for 2013, all three policy actions directed at combating

HIV/AIDS were grouped into major budget actions, such as the promotion of "pharmaceutical care".

As a result, neither civil society organisations nor parliamentarians know what resources the federal government intends to allocate for the purchase of antiretroviral drugs for people with HIV/AIDS. There is no information available to the Joint Congressional Budget Committee, and civil society cannot discuss and debate about whether the resources proposed by the government for this purpose will be sufficient or not.

Conclusion

Two of the most innovative web tools in Brazil that aim to give better resources to citizens to help them understand public spending suffer from the poor quality of data disclosed on official budget websites. Unfortunately, the lack of detailed data and poor standardisation limit and sometimes prevent public oversight, and consequently weaken the fight against corruption.

Brazilian civil society is very worried because this scenario could worsen. The measures adopted in structuring the public budget have been compared to the ones used during the period of the Brazilian dictatorship.²⁰ This is a tremendous setback for a government that just passed an advanced Access to Information Act and which was the former Open Government Partnership co-chair. Moreover, it is inconsistent with the discourse that social participation is a good method of government.

Action steps

Given the context of the above discussion, the advocacy focus areas for civil society appear clear:

- Push for effective standards of quality in public budgeting and disclosure of spending.
- Publicly question the Brazilian government, both at the national and international levels, about transparency, accountability and social participation in its budgeting process; and, consequently, about how effective the fight against corruption can be given the current process.
- Evaluate the first Brazil Action Plan according to Open Government Partnership commitments.
- Demand that the government meet its fiscal transparency commitments in the second Brazil Action Plan for the Open Government Partnership. ■

²⁰ Cabral, G. (2012) Chega de conversa fiada: Governo Dilma inviabiliza o controle social das políticas públicas, *Universidade Livre Feminista*, 24 October. www.feminismo.org.br/livre/index.php?option=com_content&view=article&id=99994584:chega-de-conversa-fiada-governo-dilma-inviabiliza-o-controle-social-das-politicas-publicas&catid=109:atencao

BULGARIA

THE CASE OF DIRECT PARTICIPATION IN LAW ENFORCEMENT BY THE SMOKE-FREE BULGARIA CITIZENS' INITIATIVE



BlueLink.net

Pavel Antonov
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Introduction

Enforcement is the usual Achilles' heel of almost any legislation passed in Bulgaria over the past two decades. This is why when the post-socialist country's Prime Minister Boyko Borissov said in 2010 that a complete legislative ban on tobacco smoking in public could never be enforced in Bulgaria, few questioned his judgment. A former police general and security guard, Borissov possesses solid experience with law enforcement (or the lack of it), so an existing legislative ban on smoking in public was quickly scrapped by a majority of members of parliament (MPs), some of whom held stakes in tobacco trade companies.

But to their surprise, there were those few who disagreed and demanded that the non-smoking ban should be restored and implemented. A little-known group of citizens, named BezDim (from "Smoke-free Bulgaria"), offered to personally and actively participate in the law's enforcement. To get their messages through, the ban's supporters pooled their time and money and held creative rallies in Sofia. Their group used ordinary email, Facebook, Twitter and a WordPress-powered blog¹ to communicate to the public and the media. But their ambition to participate in the actual implementation of the law required even more sophisticated IT tools.

Policy and political background

To perceive the magnitude of BezDim's proposal for direct participation in law enforcement, one needs to know that respect for the rule of law is historically weak in Bulgaria. The control of tobacco smoking in particular is performed by Regional Health Inspectorates (RIOKOZ) which are part of the Ministry of Health. On the ministry's own anti-corruption webpage the RIOKOZ are listed among the executive state agencies where corruption is "most frequently found."² A cohort of about 600 state inspectors make their living as gatekeepers of the law, enforcing the state's

cumbersome health and sanitary requirements upon businesses and citizens alike. Bribes and little "favours" are common: 52% of Bulgarians – or just about every second one – are convinced that health, food and sanitary inspectors take bribes and abuse their positions for personal gain.³

In 2011, Bulgaria was the country with the worst score on Transparency International's Corruption Perceptions Index in the EU.⁴ In these circumstances of almost endemic corruption across the state apparatuses, the idea of getting citizens voluntarily involved in day-to-day tobacco smoking control was an opportunity to introduce greater transparency and civil society oversight of the murky state enforcement practices. It would give a well-needed boost to Borissov's self-proclaimed government quest against corruption. That is, if anyone wanted it to!

Citizen voluntary enforcement

The original reaction was discouraging. Tobacco industry front groups, public figures, MPs and journalists proclaimed public participation in law enforcement a crazy idea, ridiculed it and compared it to the *otryadnitsi* – the members of voluntary law enforcement brigades that had existed during the times of state socialism. The first state administration doors to open were at the Public Health Prevention Department of the Health Ministry, whose head, Masha Gavrilova, had been the engine behind tobacco-control legislation for decades. The sudden appearance of active and motivated citizens willing to get involved in the ban's enforcement was appreciated by Gavrilova and her committed team member Vilia Velikova. The two arranged for citizens and the heads of RIOKOZ to meet for the first time in early 2011.

But trust was not easy to build. A partial smoking ban had been enacted by Parliament and by the beginning of 2011 the members of BezDim were getting anxious to see it enforced, bombarding the inspectorates with reports of violations. Yet enforcement remained weak, according to a report by BezDim's members, released to the media in February 2011. The group pointed at the inefficiencies of the partial ban

1 www.bezdim.org

2 Ministry of Health (2009) *Anti-corruption, Conflict of Interest, Investigation of Alerts* (in Bulgarian). www.mh.government.bg/Articles.aspx?lang=bg-BG&pageid=426&categoryid=879&home=true

3 Eurobarometer (2012) *Corruption: Report*, p. 53. ec.europa.eu/public_opinion/archives/ebs/ebs_374_en.pdf

4 EurActive.com (2011) *Corruption creeping up in Bulgaria, Greece, Romania: TI*. www.euractiv.com/justice/corruption-creeping-bulgaria-greece-romania-ti-news-509380

and demanded decisive action by the state for its enforcement and for the restoring of the complete ban.⁵ Their observations also revealed specific cases of corruption among state inspectors.

Facebook and email had been the primary communication environments of the citizens' initiative since its very start, but BezDim members had also been proactive and creative in securing traditional mass media channels to communicate their messages so that they could reach and influence political decision makers. In an attempt to boost its outreach and capacity, BezDim had in 2010 already initiated a Smoke-free Life Coalition of existing groups, NGOs and any other interested organisations. Among the coalition's members were experienced medical and public health advocates, as well as BlueLink.net – a networking support provider for environmental NGOs and individual activists, and APC's member in Bulgaria.

Ushahidi's ways in Bulgaria

BlueLink.net took up the task of designing a web platform enabling voluntary participation in the enforcement of tobacco control. After a careful assessment of BezDim's needs and based on its previous experience with online platforms for filing citizens' complaints against illegal logging⁶ and urban environment problems,⁷ BlueLink.net opted for a solution based on Ushahidi. "Ushahidi's concept of 'activist mapping' is most suitable for BezDim's purpose, as it combines social activism, citizen journalism and geospatial information," explained Antonia Vlaykova, an IT coordinator at BlueLink.net. Based on Ushahidi, the BezDim platform should enable active citizens to report smoking ban violations, using mobile phones or the internet. The system will also create a temporal and geospatial archive of all reported incidents, and the way in which the authorities reacted to them. Another purpose of the platform is to enable contact and communication among citizen volunteers and BezDim members across the country, Vlaykova explained.

The platform's design was made possible by a grant administered by the International Union Against Tuberculosis and Lung Disease, one of the granting agencies in Europe of US-based Bloomberg Philanthropies. Bloomberg's funding made possible the hiring of a professional campaigning and analytical team. It positioned the developments in Bulgaria on the global anti-smoking movement's map and enabled a useful exchange of expertise and know-how. But the influx of donor money had a somewhat chilling

effect on the previously informal and very dynamic voluntary spirit of BezDim. Luckily the initiative was able to carefully manage the transformation and cautiously maintain its existing voluntary action spirit and mechanisms.

Winds of policy change

Things were changing on the government's side too. Upon retirement from the administration, Gavrilova joined BezDim's project team as a senior policy expert. Her reputation and media popularity as a former top ministry official in charge of tobacco control helped open new doors in the corridors of state power. In the meantime a legislative proposal for reinstating the complete ban was filed by the country's Health Minister Peter Konstantinov in December 2011. This time Prime Minister Borissov seemed to be willing to try enforcing a smoking ban, and he cut back the influence of tobacco industry lobbyists within his own ranks. EU Health Commissioner John Dalli demonstrated his support for the ban during a visit to Bulgaria and symbolically invited BezDim representatives to a smoke-free lunch. A cornerstone ruling by the country's Supreme Administrative Court earlier in 2011 had declared smoking an "unhealthy habit", rather than a human right, and confirmed that banning it was part of Bulgaria's obligations to the World Health Organization's Framework Convention on Tobacco Control and to EU law.⁸

Bulgaria's Chief State Health Inspector Angel Kountchev, a medical doctor and non-smoker, supported the ideas for government-citizen cooperation in law enforcement and announced it to all state health inspectors at their national meeting. He invited citizens' feedback on the performance of state inspectors. BezDim's web platform made it possible for users to conceal their identity from the authorities, protecting them from possible repercussions by restaurant owners or smokers. These options seemed very appropriate because of the popular suspicion that some inspectors were in permanent "friendly" contact with violators and would actually leak a plaintiff's identity to them – a possibility that would discourage many, particularly in smaller communities, from filing complaints.

Many chose to file violation alerts using the web-based form at www.bezdim.org, knowing that a project team member would duly submit them to the necessary inspectorate, and a formal answer would be received in due course. BezDim seemed more trustworthy as a channel of communication with

5 BezDim (2011) Our demands: restoring of the ban and law enforcement (in Bulgarian). bezdim.org/blog/2011/02/11/nashite-iskaniya

6 www.spasigorata.net

7 urbanotopia.bluelink.net

8 Antonov, P. (2011) SAC: The ban in Kyustendil – legal; its cancellation by the state – a violation of EU law. *Dnevnik*, 30 May (in Bulgarian). www.dnevnik.bg/bulgaria/2011/05/30/1097731_vas_zabranata_v_kjustendil_-_zakonna_otmianata_i_ot

authorities than their own existing phone lines and email addresses. About 30 alerts had been received and filed during its beta trial period, before it was even announced to the general public in March 2012. BezDim's project team examined them carefully as a case study, in order to analyse the performance and effectiveness of the new web-mediated channel for communication between citizens and authorities. The findings, as well as a list of repeated violations that had been reported, were submitted to Kountchev. A partnership that had seemed impossible started working.

Conclusion

The case discussed shows how active citizens in Bulgaria have used an open source internet solution strategically to achieve direct participation in the enforcement of a complete ban on tobacco smoking. Citizens have also used the web to keep their core group operational, coordinate and take immediate action, reach the mass media, and participate in decision making. Further, they have used available social networking and networking platforms to communicate their messages and boost support and participation. These include both commercially available options, such as Facebook, Twitter and YouTube, and non-commercial options, such as the activists' social networking site of BlueLink.net. Using these platforms to expose incidents of lack of enforcement and violations of the law, the activists in fact perform civil society oversight on the functioning of state enforcement bodies with a high corruption potential – such as the regional health inspectorates.

The latter function is made possible by an easy-to-use online form for filing citizens' reports of violations, which are then processed and passed to the authorities. The identity of the original senders is concealed in most cases, in order to guarantee their safety and trust. The described mechanism affects corruption both directly and indirectly. Its direct impact is exercised by:

- Optimising the performance and resources spent by enforcement authorities by directing them straight to observed incidents of legal violations.
- Bringing in more transparency and civil society oversight of the work of health and sanitary inspectors in Bulgaria.
- Sharing observations directly with their superiors at the Health Ministry, who are supposed to curb corruption.

Summed up, the measures listed above carry great potential for directly diminishing corrupt practices. But the indirect impact of BezDim's online mechanism is

also of great – possibly greater – importance for society. In effect, through the electronic platform and the related web-based communication tools, the anti-smoking activists have successfully offered to their fellow citizens a powerful avenue for direct participation in an area traditionally reserved for the state and its authorities, such as law enforcement. Such participation strengthens the performance of institutions by enhancing the self-healing powers of the administration and offering public support to honest officials working to decrease corruption and enforce laws. Not least, internet-based IT tools such as BezDim's smoking alerts platform have a multiplying effect upon civil society's participation and power to bring positive change and curb bad governance and corruption. Such potential is equally important for the so-called developed industrial societies of the West, the post-socialist countries of Eastern Central Europe, and for all societies across the world that seek to develop democracy, civil society and the rule of law.

Action steps

The story of BezDim suggests the following action steps for ICT activists:

- Cultivate and maintain a voluntary spirit: open and well-intentioned exchange of opinion, pooling of resources, and solidarity in the distribution of tasks make a civil initiative sustainable and attractive to more people.
- Beware of the effects of donor funding: apart from providing useful resources, it may easily kill a community's spirit.
- Create trust and make allies with people from the administration; use and help them to enhance transparency and public participation, and to accomplish your goals.
- Step up public intolerance to corruption by persistently revealing and shaming corruption publicly – in person, online and in the media.
- Make your group an exemplary showcase of transparency and anti-corruption practice.
- Look out for a broader "coalition" of allies who would back your cause and provide expertise and resources, and bring transparency to your work.
- Get key decision makers on your side: for example, the prime minister or an EU commissioner. Make it embarrassing – and politically unacceptable – for them to put up with endemic corruption and industry lobbying. ■

CAMEROON

THE STRUGGLE TO TURN THE TIDE...



PROTEGE QV

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Introduction

In 1998 and 1999, the German NGO Transparency International, the most cited source in corruption discussions, gave top spot to Cameroon in its ranking of the world's most corrupt countries. That shaming honour came as a wake-up call to the Cameroonian authorities, who then decided to hit the nail on the head in order to weed out the scourge.

In reality, Cameroon did not wait for the Transparency International ranking before taking resolute steps towards achieving good governance. From the moment he came to power in 1982, the head of state, Paul Biya, made "rigour" and "moralisation" his chief battle horses – even if the results have been weak. This led to the government's will to fight corruption being questioned.

However, more resources have been committed by the Cameroonian government in the past few years to help curb the problem.

Policy and political background

Government commitment to combating corruption has led to a number of initiatives with several structures being created to serve as watchdogs, notably:

- Decree No. 098/273 of October 1998 creating the ministry in charge of the Supreme State Audit. This aimed at winning a threefold battle: dealing with the ethical behaviour of managers and public bookkeepers; achieving the good management of public affairs; and the fight against corruption.
- The National Governance Programme that came into effect on 31 August 2000 and aims, among other things, to consolidate the rule of law and to fight corruption.
- The National Anti-Corruption Observatory, also created in 2000 and intended to educate Cameroonians on the need to stop corruption.
- The anti-corruption cells within ministries created in 2001 by former Prime Minister Mafany Musonge.

- The Court of Auditors of the Supreme Court governed by Law No. 2003/005. It is equivalent to a court of accounts and reviews the accounts of certified public and other practising accountants.
- The National Agency for Financial Investigation (ANIF),¹ created by Decree No. 2005/087 of May 2005, following the regulation aimed at eradicating and preventing money laundering in Central Africa.
- In March 2006, the drive against corruption followed the creation of the National Anti-Corruption Commission (NACC),² which is the last mechanism to be established and add its voice to the others. It is the main anti-corruption agency in Cameroon and was established by Decree No. 2006/088, replacing the National Corruption Observatory in May 2007.

Using ICTs to fight corruption in Cameroon

But how strong are these organs? Do they use information and communications technologies (ICTs) to help fight corruption in Cameroon? How far have they succeeded in turning the tide? In fact, many have been likened to toothless bulldogs, with their sporadic reports and actions considered as cries in the wilderness.

Despite the technological advances available to them, the aforementioned entities scarcely use ICT solutions to roll back corruption, apart from the ANIF. However, there are a few existing cases that could be labelled success stories.

Among the series of concrete actions undertaken thanks to the use of ICTs is the Computer System for Integrated Management of State Personnel and Salaries (SIGIPES). It was initiated in June 2000 with the objectives, amongst others, of setting up an effective filing system, fighting against corruption, and eliminating "ghost workers". It also created a single database for the entire government personnel, taking into account, in real time, all transactions.

SIGIPES includes an electronic interface named AQUARIUM that allows agents and members of the public to follow the processing of their applications.³

¹ www.anif.cm

² www.conac-cameroun.net

³ Ministry of Public Service and Administrative Reform (2002) *SIGIPES & AQUARIUM: More transparent handling of personnel files in Cameroon*. www.egov4dev.org/Transparency/case/sigipes.shtml

Before SIGIPES, the processing of applications and the management of internal files was flawed by corruption, laziness and poor handling of the documents (duplicating of already signed documents, the changing of names, double salary payments, and so on).

Similarly, in 2007, Cameroon launched a reform of its customs administration which included the transborder Automated System for Customs Data (ASYCUDA). This new system is a useful instrument in the management of procedures and rules for handling files for customs clearance.⁴ Just months after its implementation, initial results were encouraging (including lower corruption, higher revenue collection and shorter clearance times). Thanks to the new programme, the use of continually updated data as a means of controlling the quality of services was implemented. Inspectors were then aware that their superiors were actively checking up on them via the computer system. The computerisation of the procedures distanced customs officials from users, limiting opportunities for corruption. Ever since its implementation, ASYCUDA is helping the state maintain the 27% of its national revenue generated by the payment of customs duties.⁵

Besides this, Cameroonian Minister of Finance Ousmane Mey, alongside the directors general of some 13 commercial banks in Cameroon,⁶ signed a protocol agreement in April 2012 to facilitate the payment of customs duties. According to the agreement, all those clearing goods at the Douala seaport are required to pay customs duties directly to the banks – making the customs process easier, simpler and less prone to corruption and embezzlement of state funds. For the moment the measure is applied only to bigger importers and represents only 20% of customs duties income. It will be gradually extended to individuals.

There are a number of applications, some implemented elsewhere, that have the potential to scale down corruption in Cameroon.

Crowdsourcing applications like Kenya's Ushahidi or Nigeria's Stopthebribes can be used to report incidents of bribes. Similar initiatives are springing up all over Africa. Through such initiatives and global ones like Bribespot and Corruption Tracker, ICTs are empowering people to take a stance against corruption, according to Transparency International. In the same spirit, a 24-year-old Cameroonian, Hervé Dja,

developed a mobile phone application called NoBackchich? (or “no more bribes”) in 2011 by merging mobile phone technology with email internet applications, search engines and social networking. NoBackchich provides consumers with the latest information on the cost of public service procedures. The idea is based on the belief that, if public service consumers get accurate information, the number of people offering money in exchange for services will significantly drop. Nevertheless, critics worry very few Cameroonians own the smartphones needed to use the new application.⁸

The World Bank defines electronic government as the use of ICTs “to improve the efficiency, effectiveness, transparency and accountability of government”⁹ and argues that “e-government helps to increase the transparency of decision-making processes by making information accessible – publishing government debates and minutes, budgets and expenditure statements, outcomes and rationales for key decisions, and in some cases, allowing the online tracking of applications on the web by the public and press.” Cameroon has complied with that recommendation, but not to a very great extent. The Presidency of the Republic of Cameroon has an official website,¹⁰ as do all of the country's 65 ministries. These have useful information on laws and decrees, as well as information on corruption and governance. However, public initiatives that provide for online services such as licensing and registration, which would limit encounters with public officials, have not yet been fully established. In July 2009, the National Agency for Information and Communication Technology (ANTIC) developed a strategy for the installation and use of information technologies within government institutions. The aim of the strategy is to harmonise practice within the different institutions and modernise and ease public administration.¹¹ The strategy has not yet been implemented.

However, until now there has been little done in terms of making the government's financial activities accessible to citizens and, in doing so, strengthening transparency and accountability efforts online. However, if in some sub-Saharan African countries the inability to use ICTs effectively to improve public service delivery and increase transparency can be blamed on the government's lack of capacity,¹² this is not the

4 Momet, M. (2006) La Douane vers un système intégré de dédouanement grâce au SYDONIA, *Le Confident*, 1 April. www.leconfident.net

5 Cantens, T., Raballand, G. and Bilangna, S. (2010) Reforming Customs by measuring performances: A Cameroon case study, *World Customs Journal*, 4 (2).

6 Ndouyou Mouliom, J. (2012) Le paiement électronique des Droits de douanes devient effectif, *Cameroon Tribune*, 2 April.

7 www.voanews.com

8 Hervé Dja has announced that he is designing a cheaper version.

9 Gronlund, A. (2010) *Increasing Transparency and Fighting Corruption through ICT: Empowering People and Communities*, Spider ICT4D, Stockholm.

10 www.prc.cm

11 www.antic.cm/

12 We should point out however that digitisation in the country is still in its infancy. See Siyam, S., Daho, S. and Jabouin, E. (2009) Cameroon, in Finlay, A. (ed.) *Global Information Society Watch 2009*, APC and Hivos. www.giswatch.org/gisw2009

case in Cameroon. The Cameroonian government does not publish information about its financial activities and budgets because of the fear of inviting criticism and exposing corrupt behaviour.¹³

Unlike some countries where access is threatened by governments wary of citizens using new communication tools,¹⁴ the Cameroonian government is actively attempting to increase ICT penetration.¹⁵

Civil society is also playing an active role in curbing corruption through the use of ICTs. This is the case of Anti-Corruption Cameroon (AC),¹⁶ which is conducting a project based on the view that a lack of knowledge is not the main obstacle to the fight against corruption. It relies on the belief that corruption in Cameroon relies not so much on the inability to know as on the inability to act. The project is therefore trying to empower citizens to actively fight the scourge, creating a tool (a mobile phone hotline) for the victims of corruption to file court cases against corrupt officials and, in doing so, to set a precedent, creating deterrence.¹⁷

Conclusion

Since traditional approaches to improve governance (large-scale national awareness campaigns, sensitisation campaigns, a multiplicity of anti-corruption structures, and so on) have produced rather weak results in curbing corruption in Cameroon, experimentation and the evaluation of new tools to enhance accountability should be an integral part in the quest for improving the fight against corruption.

Promising cases do exist, such as SIGIPES or ASY-CUDA, and more recently the “NoBackchich” mobile application, which is unfortunately yet to be fully implemented.

Praiseworthy entities have been conceived and put in place in Cameroon to weed out corruption. Nevertheless, little has changed in any tangible manner.

The different anti-corruption agencies and commissions are not endowed with the adequate funding, power and mandate to carry out their mission. As an example, the Global Corruption Barometer report released in December 2007 by Transparency International highlights Cameroon as the country with the worst results, with 79% of Cameroonians admitting to having paid a bribe for services.¹⁸ We therefore strongly think that emphasis should be laid on ICT solutions to improve transparency and accountability in our country for, as Johan Hellstrom said, the very presence of computerised applications “decreases corruption and secret activities because it leaves footprints and audit trails.”¹⁹

Action steps

Cameroon’s situation as far as corruption is concerned suggests that ICT activists should adopt the following strategies:

- Work hard to convince citizens that pushing for government accountability through the use of ICT tools is as important as any other development issues.
- Advocate for the establishment of an appropriate ICT infrastructure in the public and private sector to support the growing demand for ICTs.
- Advocate for the development of an empowered agency to fully appropriate and lead the expansion of e-government in Cameroon in terms of policy dialogue, the development of policies and strategies, and resource mobilisation.
- Make public one or many free mobile number services available for citizens to report acts of corruption via short message service (SMS).
- Advocate for e-government. When a country implements e-government programmes there follows a considerable reduction in corruption. Corruption often occurs because users interact with officials on a regular basis, to pay taxes, apply for a passport or driver’s licence, or follow up on applications in ministries, etc. This interaction often leads to acts of corruption due to the lack of professional standards in public service.
- Advocate for the installation of an electronic system of grievances to increase government accountability and transparency. ■

13 However, the government accepted the conditions of the Extractive Industries Transparency Initiative (EITI) in March 2005, thus making oil profits a matter of public record. EITI aims at strengthening transparency in the oil sector.

14 It should be noted that prior to the 2011 hunger riots commemorated every 23 February, the government suspended MTN Twitter service for security reasons. See Siyam, S., Daho, S. and Bikobo, E. (2011) Cameroon, in Finlay, A. (ed.) *Global Information Society Watch 2011*, APC and Hivos. www.giswatch.org/gisw2011

15 The country is deploying 5,000 km of fibre optic cable as part of a reliable, high-capacity telecommunication backbone infrastructure which will enable the coverage of the whole country. In addition, approximately 40 Multipurpose Community Telecentres have been constructed in rural areas, as part of a broader project that will cover the entirety of the country’s remote areas, bringing basic telecommunications facilities and incorporating the greater masses into the stream of ICT activities.

16 AC is an international NGO founded in 2005 to bring innovation to the anti-corruption arena. AC Cameroon became operational in March 2008.

17 www.kick-corruption.org

18 Cameroon was still ranked 134th out of 182 countries on the Transparency International Corruptions Perceptions Index 2011.

19 www.dw.de/technology-lets-developing-nations-fight-corruption/a-15472938

CANADA

TRANSPARENCY, ACCOUNTABILITY AND THE INTERNET: THE “ROBOCALLS” SCANDAL



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Introduction

The summer of 2011 saw Canadian headlines marred by controversy. After tens of thousands of Canadians filed complaints with the electoral commission, it soon became evident that an unknown number of voters had been the victims of ICT-mediated electoral fraud throughout the country. The since-named “robocalls scandal” has left a scar on the Canadian political process, with members of civil society and opposition parties calling for by-elections in several contested ridings.

On 2 May 2011, Canadians set out to the polls for the fourth time in seven years. Since 2004, no party had won a majority of seats in the House of Commons, and a rising lack of confidence in the minority government gave way to federal elections once again, in which the Conservative Party would win a majority government this time around.

In the days leading up to the 2011 federal election, voters from across the country received calls asking whether they would be voting for the Conservatives. On election day, opposition party supporters in over 200 ridings received an automated message claiming to be from Elections Canada, citing an unanticipated increase in the number of registered voters and directing them to a new – and false – polling station.

The Conservative Party has acknowledged that there was some wrongdoing but claims that these were the actions of an unnamed rogue campaigner, acting on his or her own initiative, and not reflective of party policy.

However, the question on everyone’s mind, as articulated by opposition Member of Parliament David Christopherson, is: “How likely is it that it’s one rogue person who’s behind this?”¹

The answer is, very.

What is worrisome about this case is not that one of Canada’s political parties might be engaged in electoral fraud (as reprehensible as that is), but rather that the accused party may in fact be telling

the truth. The larger issue is not whether the Conservative Party is culpable or not; the mere fact that their explanation is *plausible* is cause for concern.

The emerging landscape of cheap and wide-reaching communications media means that it is entirely possible that an overzealous campaigner, sufficiently motivated, could have orchestrated these “robocalls” with little risk or cost to themselves, right from their living room. Such super-empowered individuals with a minimum of computer skills and sufficient motivation could have a significant impact on future elections.

How one call changed an election

Early on election day it became clear that something was amiss. Elections Canada received hundreds of calls from confused poll clerks and frustrated voters, having been directed to the wrong polling station – or, in some cases, to empty parking lots or addresses that did not exist. Stories emerged of angry citizens tearing up their voter cards in frustration.

No election is without its hiccups, but clearly this was unusual.

It did not take long for the confusion of 2 May to transform into outrage and indignation. Disenfranchised voters lodged scathing complaints with Elections Canada while opposition parties made public demands for an explanation.

As the reports came flooding in from ridings across the country, a troubling picture began to emerge. It quickly became evident that these were not isolated incidents but in fact a deliberate effort to disrupt the voting process. Final tallies showed that Elections Canada had received over 31,000 complaints from 200 of Canada’s 308 federal ridings.

The situation was worse than anyone had suspected. Two independent studies conducted by Ekos Research and Forum Research determined that the number of Canadian households who received the fraudulent calls was between 50,000 and 250,000, respectively – more than enough to sway an election.

According to official investigators, fraudulent robocalls were used extensively to misinform voters in at least seven ridings in Ontario, Saskatchewan, Manitoba, the Yukon and British Columbia.² On elec-

¹ ottawa.ctv.ca/servlet/an/local/CTVNews/20120329/robo-calls-Mayrand-ottawa-20120329/20120329/?hub=OttawaHome

² www.cbc.ca/news/politics/story/2012/03/26/pol-elections-canada-committee-thursday.html

tion day, tens of thousands of Canadians in these ridings received the automated calls claiming to be from Elections Canada, telling them their polling station had been changed – but Elections Canada does not use automated calls.³

Non-Conservative voters were almost exclusively targeted. According to Ekos Research, in the seven most affected ridings, 10% to 15% of households received the robocalls. Among opposition party supporters, this number was as high as 90%.

Each of these ridings was a close race between the Conservative and opposition candidates, and critical to achieving a much-coveted federal majority. Most of the Conservative candidates in these ridings eked out victories by slim margins – in one case by as little as 17 votes. Whatever their affiliation, if any, to the Conservative Party, the intentions of the robocalls' authors were clear.

Once the scope of the fraud had been revealed, election officials were now tasked with uncovering those responsible and bringing them to justice. As Elections Canada investigators soon discovered, this would not be easy.

One riding, which was particularly targeted and has since become the centre of the investigation, is Guelph, Ontario.

On 2 May 2011, some 7,000 households in the Guelph riding received automated calls directing them to false or non-existent polling stations. Investigators have since traced the calls back to an automated voice-over-IP service hosted by RackNine, an Edmonton-based webhosting company, from an account registered under the name "Pierre Poutine".⁴

The transcript of one robocall from the Guelph riding reads as follows:

This is an automated message from Elections Canada. Due to a projected increase in voter turnout, your poll location has been changed. Your new voting location is at the Old Quebec Street Mall, at 55 Wyndham Street North. Once again, your new poll location is at the Old Quebec Street Mall, at 55 Wyndham Street North. If you have any questions, please call our hotline at 1-800-443-4456. We apologize for any inconvenience this may cause.

According to RackNine's records, the fake Elections Canada message went out to 7,676 numbers between 10:03 a.m. and 10:14 a.m. on election day – at a cost of just CAD 162.10 (USD 160).

At the time of writing, more than a year has passed and Elections Canada has yet to name any suspects. With Canadians increasingly upset and demanding that someone be held accountable, the question on everyone's mind is, can the perpetrators be brought to justice? This remains to be seen.

Tracking Pierre Poutine

"Pierre Poutine" was meticulous in hiding his (or her) tracks. He registered a PayPal account using an obvious pseudonym, used prepaid credit cards purchased with cash, a prepaid "burner" phone, a fake address and a free Gmail account. To further mask his identity, he accessed his RackNine account through a free IP anonymisation service.

When investigators subpoenaed the IP anonymiser, Saskatchewan-based freeproxyservice.ca, the records were no longer available. Similarly, the surveillance footage from the pharmacy where the prepaid credit cards were purchased had long since expired.

However, there remain a few breadcrumbs to follow. The records released to investigators from RackNine have shed some light on the case, but have yet to provide concrete evidence.

To begin with, the list of numbers uploaded to the RackNine account matches a Conservative Party database, including the names of thousands of "non-supporters" who had been contacted and identified by local campaigners in the days leading up to the election. The Elections Canada voters list does not contain voter preference, nor does it contain voter telephone numbers.⁵

RackNine had also been used extensively (for legitimate calls) during the election by Conservative campaigners, including Andrew Prescott, head of the Conservative campaign in Guelph. As the records show, both Prescott and "Poutine" accessed their accounts through the same proxy service. At one point, both accounts were accessed – within four minutes of each other – using the same IP address, 99.225.28.34.

Though certainly suspicious, none of this amounts to damning evidence. Under the current legal environment, IP addresses cannot be conclusively tied to an identity – they are recycled on a semi-regular basis and cannot be submitted as evidence in court. Given this reality, can investigators really make a case beyond reasonable doubt? It seems unlikely.

3 www.cbc.ca/news/politics/story/2012/03/29/pol-robocalls-mayrand.html

4 Poutine is a French-Canadian dish made of French fries, gravy and cheese curds and is not an actual family name; therefore the name Pierre Poutine at a glance is suspicious to begin with.

5 news.nationalpost.com/2012/03/29/pierre-poutine-made-6700-robocalls-in-guelph-on-election-day-using-450-number

Conclusion

Necessarily, the robocalls incident brings up the question of privacy versus security. Not being able to trace the fraudster(s) in this case is a major concern for Canadian authorities and for the integrity of the Canadian electoral process. However, privacy is paramount to human rights defenders across the globe who must remain anonymous, especially in oppressive regimes. But the implications are serious. As the robocalls scandal makes clear, ICTs are not a panacea for transparency and accountability – just as activists and watchdogs have been empowered to monitor and safeguard the electoral process, others have been similarly empowered to abuse it.

Robotic call centres allow individuals to orchestrate massive campaigns without the need for volunteers or phone banks, and companies like RackNine provide easy-to-use, affordable services to thousands of organisations worldwide. For a trivial amount of money, it is now possible to reach (and misinform) an audience of thousands in the time it takes to cook a hardboiled egg.

As this case shows it is not only *possible* to sway an election – it is *easy* and *affordable*. Worse, it seems it may even be possible to get away with it.

Unless the perpetrators can be caught – which at this point seems unlikely – or effective safeguards can be introduced, we are likely to see more of this kind of fraud in the future. The robocalls case could be easily replicated in any country, and as the investigation has shown, it is extraordinarily difficult to catch someone determined to remain anonymous. In light of this, the recommendations in this report will focus on strategies for prevention and mitigation.

Action steps

While it may not be possible to catch clever fraudsters, there are measures that can be implemented to immunise the public from similar crimes in the future. As Elections Canada gears itself up for another election, it will also need to consider the additional risks and challenges associated with electronic voting and modify policies and procedures accordingly.

Automated call services like RackNine should be closely regulated. The goal is not to make these companies liable for the content of their customers' calls, as this would constitute an unwarranted invasion of privacy, but to require due diligence when registering new users. "Instant access" (offered by most) should not be an option: those wishing to access these services should have to register using their real names, and this information should be verified. Registration under obvious pseudonyms like "Pierre Poutine" should be forbidden. Companies should also limit the use of prepaid credit cards (which are virtually untraceable) for these kinds of services.

As for Elections Canada, the organisation should distribute pamphlets with every voter card and checklists detailing the election process and what Elections Canada does and does not do. They should warn against the possibility of this kind of fraud and urge citizens to disregard suspicious or misleading phone calls.

Each voter card could also include a unique ID number known only by the individual and Elections Canada. Fraudsters would have to know the address, phone number and ID (which should remain private) of each voter they intended to dupe.

Finally, political parties should be required to implement stronger security measures for their voter databases. These databases should be confidential and full access available only to a select and trusted few. Local campaigns should be subject to random audits to ensure compliance, and access to their data (that is, *private citizens' data*) should be monitored and logged. In this way, should a party list be used to commit fraud in the future, the list of suspects will be short.

Parties (or local campaigns) that fail to comply with minimum security standards should be censured with limited access to voter lists. Safeguarding voters' information (which political parties are routinely entrusted with) should not be an afterthought, but rather should be seen as an imperative – and prerequisite – for elections campaigning.

Officials may well be unable to catch the perpetrators of this election fraud, or prevent others from emulating them in future elections. However, with the proper safeguards in place, it will be possible to limit the scope and damage. ■

CHINA

MICROBLOGS: CHINA'S PRECARIOUS PUBLIC SPHERE



Danwei

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Introduction

With an estimated 300 million users, China's weibo microblogging services now serve as the country's de facto mechanism for enforcing local government accountability and increasing transparency. Though subject to censorship like all media in China, the speed of microblogs and creative workarounds employed by users to evade censors make the platform ideal for spreading breaking news and drawing attention to injustice, provided a story is sufficiently outrageous and does not implicate the central government.

The biggest incident of 2011 was undoubtedly the spread of images, information and outrage on China's weibo microblogs following the 23 July Wenzhou high-speed rail crash (see GISWatch 2011). But this was followed by a concerted government push-back against weibo's role as China's most free-wheeling public forum.

The recent fall of Chongqing Communist Party secretary and erstwhile aspirant to Party leadership Bo Xilai provides the best lens with which to inspect how weibo continues to influence government transparency and accountability in China. The scandal's combustive mix of corruption, conspicuous excess, catchy meme and massive scope provided exactly the kind of wave-making cannonball that officials had hoped to prevent after Wenzhou, and in the lead-up to the Communist Party's once-a-decade leadership change in October.

Policy and political background

The official government report on the Wenzhou crash released five months after the incident may have done little to regain public trust. The report fingered lightning strikes as the cause of the incident, severely condemned the Railway Ministry and recommended punishment for 54 people. But it pinned most of the blame on the already disgraced previous railway minister, his vice minister, and the deceased CEO of the company hired as principal contractor for the Wenzhou high-speed rail line.

Long before the report saw daylight officials began calling for real-name registration to tie every weibo account to a government-issued identification

card, ending user anonymity. In mid-December Beijing authorities announced that all new users of locally registered microblog companies, including top dog Sina, would have to register using their real names to create an account. Although outside this mandate's scope, Sina's Guangzhou-based rival, Tencent, soon followed suit. In early February, as the first hints of trouble in Chongqing were still emerging, the four largest weibo providers – Sina, Tencent, NetEase and Sohu – announced a 16 March deadline for existing users to register.

The falling fortunes of Bo Xilai

The first hints of scandal appeared on 2 February 2012 when the Chongqing city government announced that famed police chief and vice-mayor Wang Lijun had been shuffled to another position. It was a clear demotion for Wang, longtime right-hand man to Chongqing Party secretary Bo Xilai. Since being put in charge of the municipality Bo had drawn plenty of attention for his "smash black" anti-gang and corruption campaign and a controversial "red culture" initiative in which Chongqing residents were encouraged to belt out old tunes praising Mao Zedong and socialist values en masse. Along with heavy government involvement in local industry and extensive government spending on social issues like affordable housing, Bo's policies drew local praise both from citizens who felt left behind in China's drive to capitalism, and from other members of the Party's more conservative wing. Bo's so-called "Chongqing model", along with his bona-fides as the son of Communist Party general Bo Yibo, led some China watchers to mark him for a spot among the next group to be chosen for the Politburo's all-powerful nine-member standing committee in October 2012.

However, early on 8 February weibo users began to post pictures of police officers surrounding the US consulate in Chengdu, some speculating that Wang Lijun had fled there to escape Bo's grasp. The next day Chongqing's government published a weibo message claiming: "According to reports, because of long-term overwork, a state of anxiety and indisposition, Vice Mayor Wang Lijun has agreed to accept vacation-style medical treatment."

The announcement did little to quell speculation, and "vacation-style medical treatment" (休假式治疗) quickly became the year's first major

Chinese-language meme. The post has since been forwarded over 60,000 times on Sina Weibo and has received over 22,000 comments.

State news agency Xinhua confirmed on 9 February that before leaving, Wang had spent more than a day in the consulate with Chinese security officers and had been put under investigation. Later foreign press coverage indicated the source of Wang and Bo's falling out may have been a report that Wang gave consulate officials linking Bo's wife, Gu Kailai, to the death by poisoning (and subsequent cover-up) of British businessman and Bo family confidant Neil Heywood.

Word of Wang's flight spread quickly on weibo and, censored only in fits and starts, cast doubt on Bo's ascent. (Over the following months accounts surfaced in the foreign press of Bo's ruthlessness as Chongqing Party secretary, corruption in local government-sponsored business dealings and an extensive wiretapping project used to spy on top Party officials – including President Hu Jintao.) On 21 February searches on Baidu for the phrase “Bo Xilai tenders resignation” (薄熙来 请辞) began to be censored following weibo rumours to that effect. Microbloggers continued to discuss the issue by adopting code words. In a sign of trouble for real-name registration, Sina chief executive Charles Chao told *The Wall Street Journal* on 28 February that more than 40% of new users had failed verification screenings. Chao warned that the registration requirement could hurt activity on Sina Weibo.

Bo remained quiet in the lead-up to the national legislature's annual Two Meetings, and was the only member of the 25-person Politburo absent on 8 March. The absence prompted a flurry of speculation that Bo had fallen from power and coincided with a peak in registered post deletions on Sina Weibo according to an MIT study of microblog censorship¹ in China from 28 January to 20 May. The next day Bo held a press conference defending himself and accusing enemies of “pouring filth” on him and his family. Days later Premier Wen Jiabao used his annual press conference on 14 March to call for political reform lest China repeat a “historical tragedy” like the Cultural Revolution – a clear attack on Bo's red revival.

On 15 March, the day before the deadline for existing weibo users to register, state news agency Xinhua announced that Bo had been removed from his position as Chongqing party chief. The news correlated with another spike in registered post deletions and, although the real-name registration deadline came and went, many users found they could continue to post without registering or that Sina had suddenly recognised their accounts as fully registered. Then on 18 March pictures of an early morning Ferrari crash

in Beijing prompted speculation – and another spike in registered post deletions – that the driver killed in the accident was the son of an important government official. (Recent coverage by *The New York Times* indicates that the driver was the son of Hu Jintao's protege, Ling Jihua, who then hid the death from both the public and the Party and in so doing may have seriously damaged Hu's influence on the November selection of the Party's incoming leadership.)²

The next day financial journalist Li Delin posted on Sina Weibo about a heavy security presence on Chang'an Boulevard – the first in a series of weibo posts from that day which, after being re-tweeted and sometimes combined with completely unrelated posts, set microblogs abuzz with rumours of a supposed coup attempt in Beijing by domestic security chief Zhou Yongkang, a member of the Politburo Standing Committee and ally of Bo.

At first neither microblog companies nor the government seemed to clamp down on these rumours, but on 30 March Xinhua announced that authorities had closed 16 websites and detained six people for “fabricating and disseminating online rumours.” Later that evening the government announced a 72-hour ban on using the “comment” function on Sina and Tencent's weibo services from 31 March to 3 April. This meant that users could only respond directly to other users or re-tweet posts (like Twitter) instead of commenting in easy-to-read threads. Xinhua also announced that Beijing police had arrested over 1,000 people on suspicion of spreading “harmful” online messages as part of a nationwide crackdown. Days later on 6 April authorities shuttered Utopia, a Maoist discussion forum and locus of vocal support for Bo. (The site had already been taken down once following Bo's dismissal.)

On 10 April rumours again began to circulate online, this time claiming that Bo's expulsion from the Party would be announced that night on CCTV. State television also featured pledges that day from Sina, Tencent and search engine giant Baidu supporting the government's efforts to crack down on online rumours. That evening Communist Party members posted on their weibo accounts about summons to attend urgent Party meetings at 9:00 p.m., and at 11:00 p.m. Xinhua and CCTV announced that Bo had been dismissed from the Communist Party and his wife, Gu Kailai, detained as a suspect in the murder of Heywood.

In compliance with ongoing censorship of Bo and Gu's names, Sina initially censored Xinhua's weibo post announcing Bo's ouster. The two were joined that night on the censorship whitelist by their son, Bo Guagua. The youngest Bo's high-profile lifestyle as a

1 www.niemanlab.org/2012/05/reverse-engineering-chinese-censorship-when-and-why-are-controversial-tweets-deleted

2 www.nytimes.com/2012/12/05/world/asia/how-crash-cover-up-altered-chinas-succession.html?pagewanted=all&_r=1&

hard-partying student at Oxford and then at Harvard had become emblematic of the privilege afforded to the children of central Party elites following a November *Wall Street Journal* story on China's "princelings". The story claimed (incorrectly) that in early 2011 Guagua had picked up the daughter of then-US ambassador John Huntsman for a night out in a red Ferrari.

In the days following Bo's dismissal anti-rumour rhetoric reached a fever pitch: a Xinhua editorial referred explicitly to the March coup rumours and announced that over 1,000 suspects had been arrested since February for spreading rumours online. Adding to the commotion was the unexplained temporary loss of access on 12 April to all foreign websites from the mainland. Later that month Sina admitted in an SEC filing that it had not fully complied with real-name registration requirements. Later scandals, including the flight of blind lawyer Chen Guangcheng to the US Embassy in Beijing, also saw extensive censorship. Finally, on 29 May, Sina Weibo rolled out new "user contracts" to launch a system in which points are subtracted whenever a user posts rumours or sensitive content.

The Bo Xilai scandal contained the elements from previous stories that had elevated those incidents to long-term infamy among both weibo users and less net-savvy citizens: it featured extensive corruption and flagrant abuse of power by privileged elites, and cracked the façade of a much-vaunted China success story – in this case, Bo's so-called "Chongqing model" of development. The Bo scandal managed to outstrip the Wenzhou crash in terms of size and scope on weibo. Unlike Wenzhou, the government more carefully managed discussion on weibo through extensive keyword filtering and post deletion and did not allow for a short free-for-all period of coverage by traditional media as was seen in July of 2011.

Bo's position as a political heir-apparent in the grey area between local and central government provides a glimpse at the hard limits on how much influence the public can hope to exert through the medium of the internet. When the Party's interests outweigh the public's, the latter seems bound to lose. The three-day ban on comments for Sina and Tencent's weibo platforms served as a clear reminder to the companies, users and the public at large of exactly who is in charge.

Conclusion

The level of public influence exerted through China's microblogs on the handling of the Bo Xilai scandal is unprecedented. The Chongqing government's attempts at glossing over Wang's escape to the US consulate quickly became a laughingstock online, with netizens' suspicions soon officially confirmed by Xinhua.

However, in the absence of official information from the government and facing extensive censorship, netizens were forced to rely on rumours and code

words to learn anything at all as the scandal continued to unfold behind closed doors. Most information on the "coup" was pure fiction, meaning the government's lack of transparency in handling the Bo case actually provided kindling for the rumours it supposedly sought to snuff out with a real-name policy. These rumours in turn served as additional justification for further government regulation of microblogs in the name of preventing the spread of "harmful" information.

Beyond the initial three-day ban on comments for Sina and Tencent it remains unclear which censorship measures were carried out on government orders and which originated at the company level as self-preservation measures. The instance of Sina censoring Xinhua's weibo announcement of Bo's ouster stands out as an example of confusion in the ranks, while Sina's new points-based regulation of microblog content may well have been a completely in-company response to government demands.

The early uneven effort to clamp down on weibo discussion of the Bo scandal may also indicate that he was left to hang by Party rivals uneasy with his populist brand of self-promotion. This highlights the potential of weibo as a political tool rather than as a consistently effective mechanism for enforcing accountability. Still, Bo's connections to the Party elite and his proximity to a seat on the Politburo Standing Committee also meant that uncensored online discussion could not go on forever.

Action steps

The following key points are instructive when evaluating the potential spread of information on sensitive events in China's current microblog environment:

- When an issue approaches the grey area between central and local governments, as with Bo Xilai, an initial period of light or limited censorship may be possible if deemed politically expedient by the former.
- A lack of transparency in how the government handles unfolding scandals in China can provide further justification for a crackdown on free speech as specious online rumours become the only news source for information-hungry citizens.
- How companies like Sina and Tencent handle government demands for content regulation will have lasting influence on the role of microblogs as tools for enforcing transparency and accountability at the local levels. Special attention should be paid to the actual effects of Sina's points-based content regulation system.
- China's weibo platforms can expect to see further regulation in the wake of the Bo Xilai scandal and a continued increase in censorship as the October 2012 leadership transfer approaches. ■

COLOMBIA

THE USE OF ICTS TO INCREASE TRANSPARENCY IN COLOMBIA



Colnodo

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Introduction

Colombia has made significant progress in the implementation of its e-government strategy in the last years. In fact, in the United Nations E-Government Survey for 2012,¹ Colombia came second in Latin America and the Caribbean and 43rd in the world. This progress was in part due to the e-government strategy implemented by the Ministry of Information and Communication Technologies, which aims to contribute to a more efficient, transparent and participatory state, providing better services to its citizens and businesses by making the most of ICTs.² This strategy is one of the programmes of the ICT National Plan and a guiding principle for Law 1341 of 2009, also known as the ICT Law.

Policy and legislative background

Decree 1151 of 2008 and the Manual for the Implementation of the E-Government Strategy³ established the procedures that national and regional governmental institutions should follow to complete the phases of the e-government roll-out:

- **Information phase:** In this phase institutions had to provide information on their main areas of activity.
- **Interaction phase:** In this phase institutions began to interact with the public and businesses by providing access to their databases and to civil servants.
- **Transaction phase:** In this phase products and services can be obtained through electronic transactions.
- **Transformation phase:** In this phase changes are made to provide services according to the needs of the population by offering a single virtual space for all official paperwork using the governmental intranet.

- **Democracy phase:** In this phase citizens are invited to participate actively in decision making and in designing and evaluating public policies.

Internet for accountability project

Colnodo, as a civil society organisation, has been involved in the e-government strategy since 2002, starting with the Internet for Accountability Project. This project was a joint initiative with Transparency Colombia⁴ and with the support of the U.S. Agency for International Development (USAID).⁵ Its main goal was to design, test and scale up different ways to strengthen the country's local government integration with the active involvement of mayors and civil society. The project had three central aspects: the transparent handling of public information on the internet; the social accountability of mayors; and the development of municipal plans for the publication of municipal information on the internet using free and open source software (FOSS).

The project started as a pilot project in the municipality of Paipa⁶ (26,000 citizens) with the development of a web page, designed with the participation of local civil servants and grassroots and social organisations working in the municipality and interested in being observers of the local government administration. The platform developed (which improved the information, interaction and transaction phases) was donated by Transparency Colombia and Colnodo to the national government through the Vice-Presidency of the Presidential Office. The tool was evaluated and improved by the Connectivity Agenda (now the E-Government Programme of Colombia) run by the Ministry of Information and Communication Technologies. By the end of 2005, the E-Government Programme decided to roll it out to all the Colombian municipalities which had been connected to the internet through the governmental programme Compартel.

Two initiatives were integrated into the project resulting in important improvements: Met@logo, which provides information to entrepreneurs, and the Millennium Development Goals module, which allows the tracking of progress in the municipalities.

1 www.unpan.org/e-government

2 www.programa.gobiernoenlinea.gov.co/componentes.shtml

3 programa.gobiernoenlinea.gov.co/apc-aa-files/Presentaciones/Manual_GEL_V3_o_VF.pdf

4 The Colombian chapter of Transparency International. www.transparenciacolombia.org.co

5 www.usaid.gov

6 www.paipa-boyaca.gov.co

This module was led by the United Nations. These initiatives had the support of the German technical cooperation agency GIZ in Colombia⁷ and the Federation of Colombian Municipalities.⁸ During this process contributions from donors for the development of the software were around USD 194,000⁹ and the investment by the Ministry of Information and Communication Technologies was around USD 42,000.

Presently, 1,130 municipalities have the system installed and are publishing information, representing more than 99% of the municipalities in Colombia; 628 are in the information and interaction phases. The system is also used by some departments and governmental agencies in the country. Since the roll-out of the municipalities' websites began (at the end of 2005) there has been a continuous growth of unique visits to the websites, with a total monthly average of 8,204,194 visits.¹⁰ This growth is expected to continue given the increased access to the internet in Colombia.¹¹

Website ownership

The development of the Internet Platform for Accountability involved the municipal administrations, public oversight committees and the citizens themselves. Because of this, there was broad support for the initiative. This acceptance played an important role when the platform was rolled out at a national level – in particular, because the municipalities found it a useful tool that met their expectations, making it easier for them to “own” it.

The participation of civil society organisations has also been facilitated by the use of FOSS. FOSS has made it possible to develop the platform and adapt the new sections and functionalities according to the needs of municipalities and citizens as well as to the phases of the e-government guidelines.

Follow-up consultations show that municipalities have reached a satisfactory level of acceptance

and ownership of the websites. Questions related to usage and participation by the community show overall percentages higher than 60% in areas such as training received on using the websites; knowledge of its tools that can be used for participation; and the follow-up of user requests. However, the actual *use* of the existing opportunities for participation is very low (29%). This percentage shows the importance of evaluating why the community is not using these opportunities offered on the municipalities' websites. Increasing this percentage of participation by the community will improve the e-government transparency indicator.

Spectrum in Colombia

Like many government agencies in Colombia, the National Spectrum Agency (ANE in Spanish) conducts regular exercises in accountability, presenting information on its budget, management, programmes and projects for the future. In the case of the ANE, it is notorious for the low participation of civil society organisations, in part because of the complexity of the spectrum issue, which is usually too technical for a general audience. Moreover, civil society organisations are not aware of the opportunities or of the risks of not participating actively in spectrum management and of leaving decisions and discussions in the hands of the state and the private sector.

In this regard, Colnodo participated in research led by the Association for Progressive Communications (APC). This research exposed the lack of knowledge on the subject amongst the general public and the low participation of other sectors such as universities or engineering associations.

Because of this situation, in August 2012, Colnodo and APC developed an online course on the basics of radio spectrum, what its management means in Colombia, and what the opportunities for participation enabled by the government are. The course joins another initiative of the ANE called “Spectrum Experts”, which also seeks to sensitise the general public (journalists, students, civic associations, etc.) to the same issues, especially now that the auction of new spectrum ranges will permit high-speed access for mobile internet.

Given the wide coverage of the mobile network in Colombia and access to the internet through the data network, the state should encourage the use of the internet by reducing access costs. This was the case in the 1990s, when internet access providers provided their services through the packet-switched network, and had to lower their tariffs in order to encourage the use of the internet by the population. If Colombia continues implementing these policies

7 www.giz.de/en/worldwide/397.html

8 www.fcm.org.co

9 This amount only includes the investment in the development of the system. It does not include other investment such as training and follow-up of the updating of information, among others.

10 programa.gobiernoenlinea.gov.co/apc-aa-files/ProgramaenCifrasDiciembre2011/GEL_ProgramaEnCifras_Diciembre2011.htm

11 According to the Ministry of Information and Communication Technologies quarterly report for first quarter of 2012, the number of subscribers to fixed and mobile internet service grew by 5.3% over the previous quarter, and by 27.9% in comparison with the first quarter of the previous year, from 5.05 million to 6.46 million internet subscriptions (www.mintic.gov.co/images/documentos/cifras_del_sector/boletin_banda_ancha_vive_digital_1t_2012.pdf). Municipalities are connected through the ministry's Compartel programme, which connects the smallest municipalities in the country as part of the e-government strategy.

and placing special emphasis on the delivery of ICT services to the rural population, there is no doubt that Colombia will continue to lead the region in e-government policies.

Web accessibility

Web accessibility refers to the design of information systems that facilitate internet access to as many people as possible, regardless of their physical condition (people with visual, hearing or cognitive disabilities), level of technological access (old computers, operating systems or programmes which are not the latest on the market) or internet access (lower connection speed, connection from mobile devices, and so on). For this reason, the concept of web accessibility becomes crucial to ensure that all Colombians have unrestricted access to the content and services offered by the Colombian state through its online government strategy.

Since 2010 several government agencies that work with people with disabilities, together with universities, individuals and Colnodo, have been working on the creation of the Web Accessibility Committee of Colombia. One of its first tasks was to adapt the W3C Web Content Accessibility Guidelines to create the Colombia Technical Standard on Web Accessibility,¹² which is part of the new online government strategy in Colombia.

Action steps

The e-government strategy in Colombia includes much broader concepts than the provision of information and services to citizens using ICTs, and is closer to the concept of governance as the organisation of collective action. This involves ideas that justify or legitimise political power, stable institutions that are open to the influence of citizens, and patterns of incentives and sanctions to ensure compliance with rules, regulations, standards and procedures. It also involves the use of ICTs by government, civil society and other socio-political actors to promote and implement the transparent, accountable and collaborative steering of society.

However, work still needs to be done in order to ensure the ongoing effectiveness of the e-government programme.

When it comes to spectrum, it is really important to involve citizens in the management of this vital resource. This could involve inviting journalists, high school students, civil society organisations and academics to increase their knowledge through online courses such as the one proposed by APC¹³ and also by joining the ANE strategy “Spectrum Experts”,¹⁴ whose purpose is to train people on spectrum issues.

When it comes to accessibility, it is important not only to train but to sensitise public employees about the issues involved, because many of them have to deal with it outside of their normal responsibilities, sometimes without a complete understanding of what accessibility means and what its purpose and benefits are (for example, there is a myth that accessibility in the public sector is just about people with disabilities).

Finally, an update of the web platforms so that they can be accessed using mobile devices is needed. ■

¹² NTC 5854

¹³ autoformacion.colnodo.apc.org

¹⁴ www.ane.gov.co/index.php/expertos-en-espectro

DEMOCRATIC REPUBLIC OF CONGO

MOBILE CENSORSHIP AND ELECTION FRAUD



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Introduction

On the morning of 3 December 2011, just after the electoral commission started to announce the provisional results of both the presidential and legislative elections held a week before on 28 November, Congolese mobile phone users woke up to bad news: no SMS text messages were getting through.

When Facebook users started posting about the issue, there were many people who could not believe it, given that mobile text messages sent from outside the country were still being received. However, this was only until they received an official SMS message from their various mobile service providers, backed up by media stories stating: “By order of the government, SMS service is suspended until further notice.” This status quo lasted for three weeks.

Policy context

The 2005 Constitution of the Democratic Republic of Congo (DRC), as amended in January 2011, guarantees freedom of expression and the right to information among the fundamental freedoms. However, the freedom of the press and the freedom to transmit information by radio and television, newspapers or any other means of communication are subject to the requirements of public order, good morals and the rights of others.

Law No. 06/006 of 9 March 2006 as amended in 2011, on the organisation of presidential, parliamentary, provincial, urban, municipal and local elections, provides for the functions of the National Electoral Commission and guarantees independent, impartial and transparent elections.

While the electoral law states that allegations of fraud need to be backed up by proof and brought before the courts, it is expensive to have observers in each of the more than 50,000 polling offices who can countersign affidavits that serve as proof of alleged fraud. In addition, these need to be taken back to Kinshasa (sometimes over 3,000 kilometres away) where the electoral court is seated.

Censorship and rumours undermine important election

The DRC, potentially a rich country, remains one of the poorest countries in the world. Corruption and armed conflicts have delayed the development of infrastructure and have complicated access for the majority of the population to basic services. Conflict has also impacted negatively on the protection and promotion of people’s fundamental rights.

The economy has been in free fall since the early 1990s. Mainly agricultural and artisan based, it still fails to satisfy local demand for growth. Minerals, the sadly famous face of the DRC, became the battlefield of international companies and are stigmatised as one of the causes of conflict in the east of the country.

In 1997, after nearly 40 years of dictatorship and unchallenged reign, President Mobutu was overthrown by a rebellion led by Laurent Kabila, also known as the “Mzee”. When Kabila was murdered in 2001, his son Joseph Kabila took power and organised, after several postponements, the first free, democratic and transparent elections in the country for over 40 years. Despite a Catholic priest chairing the Independent Electoral Commission, as a pledge of neutrality and the equitable representation of the main political forces of the nation, the outcome of these elections were not satisfactory to all political parties at play.

The next election, to be held in 2011, was therefore an opportunity for an alternative to be created. But in January 2011, only several months before the elections, the constitution was revised and amended eight times. Among the changes was that the president would now be elected by simple majority, rather than an absolute majority.

SMS service had been suspended as a measure to ensure order and security as well as to prevent people from sharing election results before the official announcement by the Independent Electoral Commission. According to Adolphe Lumamu, the deputy minister in charge of internal affairs who spoke on a major radio station the same day: “Since the holding of presidential and legislative elections, SMS text messages encouraging people to violence or offering false partial results of the elections have been sent to mobile phones by unidentified people who want to create fear and disorder in this election period.”

But the suspension of SMS service, an affordable means of communication for the majority of

social movements and political forces, powered rumours about electoral fraud. To circumvent this, the public, who noticed that text messages sent from abroad were still being received, bought SIM cards for neighbouring countries (MTN Rwanda for those living in Goma or Bukavu in the eastern DRC; Airtel from the neighbouring Republic of Congo for Kinshasa inhabitants). A number of people, although few, also used Skype services to continue to reach their target audience and to share the electoral results with their respective constituencies.

If the suspension of SMS service during the post-electoral period in the DRC was intended to keep public order and to thwart the efforts of troublemakers by preventing the premature sharing of results that had not been verified, or were simply false, it did not work. The move did not prevent the hacking of the electoral commission website, providing the public with false results for three days, or violence associated with the elections among the Congolese diaspora in South Africa, Belgium, the United Kingdom and France.

The suspension of SMS service merely showed that there were other ways of communicating the same false information, for instance, using social networks, or using SIM cards from neighbouring countries. As mentioned, far from being a solution, the suspension of service only fed suspicion of electoral fraud.

In a country doomed by violence, many people raised their voices to ask for an end to the ban. The DRC chapter of the International Federation for Human Rights warned that the ban could cost human lives in isolated regions with poor mobile phone reception, as emergency services could only be alerted to rebel attacks via text message. Mr. Kisangala, a religious minister for a deaf community in the capital Kinshasa, remembered: "It was very hard to communicate. All our communications used to go through SMS messages." The pastor in charge of a cultural centre added: "Our members were scattered across the city, some were ill in hospital, others were dying. Without communication we didn't even know about it. Few of them have been coming here; whereas with text messages, many used to come to church here on a Sunday. When shooting started in the city I wanted to contact those who were sleeping at our cultural centre and tell them not to go out. I tried to contact them but messages didn't go through. Then I remembered text messaging had been suspended. It was very disturbing."

For Stephanie Mwamba, a women's rights activist taking part in an anti-violence campaign at the time of the ban: "The government decision to ban text messaging was particularly troubling during the global campaign of 16 Days of Activism Against Violence Against Women [held each year from 25 November to 10 December]. Both internet and SMS services are

crucial to women facing violence. We had to suspend our information service running on mobile technology aimed at sharing vital information to women survivors of violence in the eastern Congo."

Mathieu Yengo, a businessman in the DRC, recalls how he had to pay three times more to maintain normal communication between his vendors and clients: "It was more than what we could afford.... [W]e were thinking of how to close some of the businesses and send the vendors home until we figured out what to do next. We couldn't afford to expand our communication budget. And as if it was not enough, the SMS companies were the only ones continuing to earn money by sending thousands of SMSes to promote their products."

For Fernandez Murhola, executive secretary of RENADHOC, a human rights organisation, text messaging is an indispensable tool for the safety of citizens. Suspending it, even temporarily, is a "serious threat".

This time at least, the government was thoughtful enough to officially inform people: five years ago, in 2005, when the country was holding its first free and transparent general elections after more than 40 years of dictatorship, it did not confirm rumours of a suspension of SMS service. Nevertheless, the negative impact on the rights of freedom of expression should not be underestimated, and – equally important – the suspension of SMS service fuelled fears of corruption that undermined the spirit of the elections. Moreover, the private sector lost USD 150,000 per day during the three-week suspension of service.

Action steps

- Show the government that the suspension of SMS service violates the fundamental rights of Congolese citizens and particularly the right to information and freedom of expression as guaranteed by the constitution.
- Show that there are technical means, allowed by the law, which allow mobile operators to provide the authorities with user information of people allegedly inciting people to hatred and disorder, for legal action and prosecution.
- Lobby the government, together with the private sector that lost USD 150,000 per day during the three-week suspension of service, so that this does not happen again.
- Propose to the Independent Electoral Commission, which by law guarantees the transparency and impartiality of the electoral process, that a technological tool be developed to communicate election results in real time at each provisional polling station. ■

REPUBLIC OF CONGO

FIGHTING THE EPIDEMIC: THE NEED TO INTEGRATE ICTS INTO STATE ACTIVITIES



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Introduction

Corruption is a plague as old as the world, a phenomenon that is extremely complex and which affects all societies. In the Republic of Congo, between 2009 and 2011, several studies financed by the World Bank were conducted by FTHM International and Capsule at the request of the government. It was found that all Congolese administrations were implicated in corruption.

Two examples serve to illustrate this, both involving the Ministry of Finance. In the first, government employees, members of the armed forces and ordinary citizens have been implicated in a scandal involving the inflation of government salaries. According to the permanent secretary of the National Commission for the Fight Against Corruption, Embezzlement and Fraud (CNLCCF): “Numerous government employees and representatives of the armed forces as well as ordinary citizens have conspired with certain persons in the Ministry of Finance to modify the specific employee files, giving some people multiple identities and identification numbers so that they could thereby receive multiple salaries each month.”¹

In the second, a construction company won two public bids for the renovation of the offices of a public institution as well as the construction of a meeting hall for the institution. The total cost was 257,746,000 CFA francs (USD 572,768). When only 75% of the work was completed, it was discovered that the construction company had paid a sizable bribe – 24 million francs (USD 53,333) – to the company that had requested the work.

Faced with this epidemic, multiple actions have been taken to eradicate corruption, the largest of which was the establishment, in 2007, of the CNLCCF and the Anti-Corruption Watchdog Group.

At the very least, the work of these two institutions must be reinforced. This would require not only the support of the entirety of Congolese

society – politicians, agencies, public and private administrations, the public, media outlets and individuals – but also the development of the means to accomplish this.

It is generally agreed that technology and the internet can be employed to maintain transparency and fiscal responsibility and are, because of this, important tools in the struggle against corruption – even if those very same tools are, unfortunately, also used to facilitate the same activities they may also prevent.

Political and legislative context in the fight against corruption

The system of legislation and regulation relating to the fight against corruption has been established by several laws. First, Law No. 5-2009 (22 September 2009) comprised measures on corruption, embezzlement, fraud and other related activities; second, Law No. 16-2007 (19 September 2007) created a national anti-corruption watchdog group; third, Law No. 13-2005 (14 September 2005) authorised the approval of the United Nations Convention Against Corruption; and finally, Law No. 14-2005 (14 September 2005) authorised the ratification of the African Union Convention on Preventing and Combating Corruption.

Related to this, several national decrees were issued: first, No. 2007-155 (13 February 2007) reorganised the CNLCCF; second, No. 2009-235 (13 August 2009) approved a plan of action against corruption, embezzlement and fraud as well as for the improvement of governance in the Republic of Congo.

Of particular significance in this framework is the definition of the term “corruption”. Article 2 of the previously mentioned Law No. 5-2009 states that “corruption, embezzlement and fraud are unlawful acts by people in positions both public and private... [involving the] violation of procedures resulting from their positions as public agents, private employees, or independent actors, or the receipt of unlawful benefits for themselves or for others.” The same law mandates penalties corresponding to these actions.

In addition, the CNLCCF carries out the government’s policies through the initiation of investigations and the interrogation of suspected offenders.

However, one large drawback to this framework is that it does not provide for the creation of

¹ Commission Nationale de Lutte contre la Corruption, la concussion et la fraude (2011) Press release, 15 October.

an infrastructure to support the work that has to be done. It is here that we ask how technology might be used to fill the gap.

The use of technology and the internet in the struggle against corruption

Currently, at the government level, there are several initiatives in place that work against corruption using information and communications technologies (ICTs). For example, a tracking programme is being developed for better data keeping and evaluation when it comes to the management of forest resources. This benefits the management of exporting products legally, as well as clamping down on unlawful activities in the sector.

The CNLCCF, the government's technical arm in the implementation of anti-corruption policies, is rolling out a campaign to raise awareness in the country. The internet is being used to share various types of information related to corruption, notably the judicial tools that are available, the national anti-corruption plan, as well as significant advances in the fight against corruption.²

There is also a project to create a website for the CNLCCF to facilitate the publication of all the commission's activities, investigations and fiscal/customs reports.

As for the public, there are several websites available to learn about corruption in the Republic of Congo. Numerous articles have been published on the internet on corruption. There is also a move – in partnership with the Comptoir Juridique Junior – to create another site, which will include a discussion group, and an electronic newsletter, to better communicate successes and difficulties in the struggle against corruption.

In February 2003, a group of watchdog organisations called on the Congolese government to be more transparent, as a necessary step towards the development of the country. Shortly after this, in September of that same year, the Publish What You Pay campaign was launched. As a first step, but mainly to meet International Monetary Fund (IMF) requirements, the Republic of Congo announced in June 2004 its intention to join the Extractive Industries Transparency Initiative (EITI). Since then, several reports including reports on oil revenues have been published on the EITI site.³ While this represented a step towards greater transparency of public information, public communication on this mechanism should be strengthened.

Action steps

Corruption affects all administrations and agencies in the Republic of Congo and it is clear that ICTs have not been adequately integrated in the fight against the epidemic. It is evident, nonetheless, that the government wishes at least in part to control corruption, as indicated by the creation of relevant institutions and a corresponding judicial framework.

To achieve the desired results in the fight against corruption, ICTs need to be thoroughly integrated into all administrations and agencies in the country. To that end, certain measures should be taken by Congolese society, as well as by the government and international organisations:

The public

- Public organisations need to work to create a network of individuals and other organisations to prevent corruption and reform systems.
- The public must be made aware of the evils of corruption so that they can identify and reinforce legal/political systems for reform.
- Constructive dialogue must be established between the government and the public so that proposed measures can be adopted to fight corruption.
- ICT tools and resources must be demanded from the government and other national organisations in order to empower the public in the fight against corruption.

The government

- Pilot ICT projects must be developed in the following areas: tax collection, public markets, and the maintenance of property registers. This will help to increase the efficiency and transparency of financial transactions and public services.
- An electronic monitoring system must be put in place in which cases of corruption can be registered in order to facilitate the analysis of corruption cases.
- A network of websites should be created to offer information on corruption and on fighting corruption in each government agency, so that the public can understand the issues at stake and the relevant procedures to follow should corruption be uncovered.

International partners

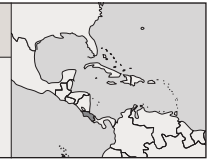
- It is vital that the public and the media work together to nurture a culture of transparency and accountability in the country. These efforts should be supported by international partners. ■

² This information can be found principally at www.congo-site.org and, to a lesser extent, at www.itiecongo.org

³ www.itie-congo.net

COSTA RICA

“DON’T PLAY WITH OUR HEALTH”: USING ICTS TO COMBAT CORRUPTION



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Introduction

Choosing a single case to talk about corruption in Costa Rica in 2012 is a complex task because, unfortunately, during this period, there have been numerous cases of apparent corruption that have involved dismissals, lawsuits and citizen action. Despite this, the government sector provides little information supporting citizen participation in governance and strengthening its accountability.

Among many examples, for this GISWatch 2012 we are going to present the case of the Social Security Public Health Institution (CCSS), popularly known as “La Caja”. For 70 years, the CCSS represented an essential way of ensuring that public health in this country remained a human right. It is a product of the “solidarity” state model, which is itself a result of the struggle for social guarantees in the 1940s. It is the primary reason for an improvement in health indicators in Costa Rica, and La Caja has become an example of universal health care. The public institution has a prevention-oriented approach, which has ensured significant progress in the eradication and early treatment of diseases amongst the Costa Rican population.

Corruption in the health sector

As we know, the health business is very lucrative, and a people-orientated health model is against the interests of large international corporations and local economic and political sectors who have interests in making money in the health sector in Costa Rica. Because of this, public health in Costa Rica faces a major contradiction between the financial interests of the dominant sectors and the original CCSS model holding health as a universal human right.

There is much evidence of corruption resulting from this contradiction, as well as many other issues that have arisen: bad management, the use of public infrastructure for private services, the surcharge payment of overtime by doctors, the poor quality work of some administrative employees, a lack of transparency in the procurement of products and services (especially drugs), the waste of resources

and equipment, and the misuse of drugs by addicted patients are just a few examples of the great difficulties that undermine the good work of La Caja.

As a people-centred model, one of the main sources of income for the CCSS is through taxing the economically active population, companies and institutions. All employees make a percentage contribution of their income, ensuring that a higher income makes a higher contribution. It is a good way to guarantee that the health service is equitable for all people, independently of the economic contribution of each individual. Similarly, companies and institutions must make a percentage contribution based on their payroll.

One of the crucial requirements for the financial health of the CCSS is the successful collection of these contributions. Generally, companies raise the money through payroll deductions for the workers’ contributions. They then add their own contribution and deposit the monthly fee into the health system.

However, at the time of writing this article, several companies and public institutions owed a total of CRC 160 billion (USD 320 million) to the CCSS. These are acts of high corruption for many reasons:

- Often companies have already deducted the appropriate amount from their employees’ salaries, but have not transferred the money to the CCSS.
- Although workers have made a personal contribution, they cannot access the health services offered by the CCSS because their employers have not paid what is owed by them.
- Companies use different mechanisms to avoid making the payments due, such as faking bankruptcy and creating parallel companies.

In addition:

- The CCSS is not efficient when it comes to collecting money owed to it.
- The CCSS does not inform workers that their employers are not making their contributions.
- Many of these companies belong to the most powerful economic groups in the country.
- There is no public information available to citizens on this issue.

The case of Don Roberto

Don Roberto Mora, a Costa Rican citizen, just over 60 years old, is determined to monitor these forms of corruption and keep the public informed about the companies and institutions that evade social security payments. Don Roberto is not a CCSS employee; however, his constant and active work over the past 11 years has made a significant difference. “If we lose the Social Security Fund, we lose our democracy,” he says, expressing the feelings of the majority of the Costa Rican population. And information and communications technologies (ICTs) have been the fundamental tools that have transformed his solo work into an important fight against corruption.

One day, Don Roberto realised that although his social security contributions were being deducted from his salary, his employers were not passing them on to La Caja; instead they kept his money and the money of one of his fellow employees. As a result, neither he nor his family could use the public health services. This situation motivated him to fight against the corruption until today.

The CCSS’s debtors list was originally only available if a person went and asked for it in person. Eleven years ago, Don Roberto would consult these lists and write up what he discovered in documents that he personally distributed to legislators, government ministers and the president’s office. He realised this process was not very effective.

However, he was determined to continue. With the support of his youngest child, Don Roberto learned how to use a blog and created his own called “The CCSS Collector”.¹ He began to use digital technologies and, in doing so, created a substantial qualitative change in his efforts at fighting corruption.

Don Roberto has become an expert in using ICTs for in-depth studies of companies that are not paying their dues. Every two months he collects the information about debtors. He then does online research using public information which is not necessarily available to the public in a quick, easy and timely way.

For example, he does assessments of market trends and historical analyses, maps relationships among debtors, and investigates cover-ups and the use of joint liability. In this way he not only analyses a company, but also follows the owners’ activities, discovering that often a debtor in one company has other business-related debts. For example, it has been found that many employers who do not

pay social security contributions, leaving their workers unprotected, do the same in several other companies.

Don Roberto is very careful, and offers comprehensive, rigorous and well-referenced research in order to defend himself from prosecution. He also discovers when a company goes bankrupt, disappears, then reappears later under another name when it has a large debt.

The CCSS Collector is known in the country as the person who is doing the work that the CCSS should be doing. He understands that there is a strong interest in weakening the public institution – that economic interests can be satisfied if health services are privatised in Costa Rica.

The companies which do not fulfil their obligations to the CCSS belong to multinationals or hegemonic economic sectors in the country. They would prefer not to appear on Don Roberto’s blog. They know that if this happens, there is on the one hand a serious study supporting the complaint, and on the other a massive dissemination of their irresponsible behaviour at all levels in the country. The very patient work that Don Roberto is doing has already recovered some CRC 22 billion (USD 44 million) owed to the CCSS.

Don Roberto’s opinion is heard by a significant number of decision makers who use the information on his blog to make political arguments in favour of the health institution. In turn, they contribute to requests for information and evidence from the CCSS Collector. Through his work, he has managed to get the list of defaulters distributed publicly, so all citizens can know whether or not the place where they work is fulfilling its obligations. His work has also contributed to the adoption of a procedure whereby all public procurement must be supported by proof that the bidder is up to date with its CCSS payments.

“Being indebted to the Fund is being indebted to the Costa Rican people,” says Don Roberto. His blogs have inspired community protests outside companies that have high levels of debt. For example, a group of citizens will protest with signs that say “This company owes X millions to the CCSS and will not pay”. His work has also helped to remove people who were not meeting their obligations from public posts.

Don Roberto has been taken to court on several occasions, but has never been convicted. He has also been threatened numerous times. However, he still prefers to sign all of his investigations and accusations using his own name.

¹ robertomorasalazar.ticoblogger.com

Conclusions and action steps

As mentioned earlier, the issue of revenue collection is only one of the serious problems that threaten the public health system in Costa Rica. But in this instance we have observed how the use of ICTs contributes to combating corruption. We have found that:

- ICTs are being used by an elderly person. This is interesting because it is often argued that ICTs are best used by young people. The case demonstrates that older adults also have the ability to use these technologies effectively and with impact. Activities should be developed to encourage this potential.
- ICTs are used for inter-generational exchange. The case demonstrates the importance of ICTs in facilitating the relationship between young people and elderly people. Significant applications could be developed in this regard.
- Blogs make effective tools for dissemination to the public generally, as well as to powerful decision makers.
- Successful advocacy depends on a combination between online and offline activities. For example, a blog post backed up by some lobbying in Congress or a protest outside a company is more powerful than just a blog post, and vice versa.
- One person, with the support of digital technologies, can really make a difference. The ICT viral effect can generate a social movement. However, not all digital activity creates an impact. In this case, the effect is due to the seriousness of the documentation submitted and the consistency with which the process has been carried out over the past 11 years. The internet and social media required dedicated commitment and work to be successful as advocacy tools – there is little “ready-mix” advocacy that leads to sustainable results. ■

CÔTE D'IVOIRE

THE STORY OF GUILLAUME KIGBAFORI SORO: HOW OPEN AND TRANSPARENT CAN CÔTE D'IVOIRE GO WITH HIM?



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Côte d'Ivoire, commonly known to English speakers as the Ivory Coast, is arguably the most thriving French-speaking country in the western part of the African continent. At least 26% of its 21 million inhabitants are non-Ivorians, with a huge percentage from neighbouring countries of West Africa. Also notable is the large population of youth. In 1998, around 43% of the total population was under the age of 15 in comparison to only 4% considered aged. In 2012, it is estimated that the youth population is still higher than in most countries on the continent. The country's urban population is estimated at 49% and the literacy rate at 55%, one of the highest in the region.

The landing of broadband cables SAT3/SAFE, WACS and ACE and the effective inland cabling done by national carriers have placed the citizens at a comfortable internet access rate, more comfortable than other countries in West Africa. GLO-1 is also adding to access speeds. In December 2011, the government granted 3G licences to three mobile phone operators in the country. The effective introduction of 3G access by mobile telecommunications companies to the population has increased citizen access to the internet and its benefits at minimal costs.

The story of Côte d'Ivoire is closely linked to its presidents and leaders in general. Felix Houphouët-Boigny was its "Father of Independence" and also its longest-standing leader (in office for 33 years). Though his leadership may have been considered "authoritarian" by some and "paternal" by others, there is evidence that the country enjoyed steady social, economic and peaceful growth in those years. Immediately after his death, Aimé Henri Konan Bédié, who was then the president of the National Assembly, took over, as was constitutionally determined. In 1999, there was the first military takeover of power. In a hectic electoral exercise, Laurent Gbagbo came to power in 2000. At the time of this report, Gbagbo was being tried for war crimes by the International Criminal Court in The Hague. A new president, Allasane

Dramane Ouattara, is the current leader. His election came after a strenuous electoral exercise in which one person played a key role: Guillaume Kigbafori Soro.

Guillaume Soro I: Student union leader

FESCI

Little is known about Guillaume until 1995 when fellow students elected him to be the leader of the Fédération Estudiantine et Scolaire de Côte d'Ivoire (FESCI), the Federation of University and High School Students. The political weight of FESCI may only be measured by the demographic strength of the youth and school-going population. Such a choice, therefore, was of huge political responsibility. Between 1995 and 1998, Guillaume led many student and youth demonstrations. Most of these were geared to student demands for better social amenities and education infrastructure.

Zouglou

Zouglou is the authentic music of Côte d'Ivoire. It is born of a philosophy – the student movement philosophy of the late 1990s. With more student and youth claims on the government, and an increasing use of force by government to quell such movements, the students turned to music. Zouglou was born. As a musical expression, it has become an important arm of social activism. As a student leader, Guillaume took on "Boghota" as a nickname, certainly in admiration of the fighters in Colombia. And he was regularly arrested due to clashes between students and the government.

Guillaume Soro II: Freedom fighter

Forces Nouvelles

Little was seen of "Boghota" until 2002. He came back under rather strange circumstances – as the leader of an armed rebel group, the Forces Nouvelles (New Forces). Though the details have not been clear, what is evident is that the New Forces, a coalition of three rebel movements, occupied at least 50% of the country's land mass and brought the Laurent Gbagbo government to a power-sharing deal.



A screen shot of Guillaume Kigbafori Soro's personal website.

National identity

If there was an issue that stood out as the reason for the rebellion, it was the national identity enigma. Because of the high percentage of immigrants in the national population, the attribution of national identification cards to citizens was an uphill task for the government. At a certain point, individuals whose family names showed possible background links to neighbouring countries could not justify their citizenship. This denial of citizenship and corresponding social benefits became one of the issues that the Guillaume Soro-led rebellion took on as a cause.

Guillaume Soro III: The minister

In the shared government that resulted from the rebellion, Guillaume became an important actor in the policy landscape of the country. He was named the minister of communications, with the Radiodiffusion et Télévision Ivoirienne, the national broadcasting service, under his direct authority. At this time he took on the challenge of press freedom in the country, establishing two very important laws: 2004-643 and 2004-644 of December 2004. These were to be the new Press Code. A key article was Article 68 which states, among other things, that “prison terms are formally excluded for all press offences.” In a country that had seen several prison terms for media professionals, this was indeed a great step in the direction of media freedom.

For the five years between 2003 and 2007, Guillaume held several ministerial posts in the “Government of Reconciliation” and rose up to be a minister of State.

Guillaume Soro IV: The prime minister

Following a political agreement, Guillaume was given the post of prime minister on 26 March 2007.

GOUV.CI

The official government website was established while Guillaume was the prime minister and head of the government. This might well be considered the most important step towards transparency using the internet in the life of the nation. The portal, among other things, provides:

- A one-stop shop for all of the government’s official information
- Minutes of the cabinet meetings
- News that citizens ought to have
- Up-to-date information on key government activities
- Links to all other government ministries and parastatals
- A government contact form
- An interactive work platform for officials

- **GOUVLETTER** – a personalised newsletter of government decisions and activities that citizens may receive directly.

During the period between the elections of 2010, the post-election crises and the effective take-off of the Allasane Dramane Ouattara leadership, GOUV. CI played a strategic role in giving unbiased information to citizens and maintaining much-needed information services to the country.

Guillaume Soro V: Prime minister, version II

It is not clear why the new president decided to nominate Guillaume as prime minister again in 2011. One of the reasons may be the strategic role he played as the incumbent prime minister and quasi-organiser of the disputed presidential elections that saw Ouattara come to power. On 11 April, not only was he named prime minister, he was also asked, as the head of the government, to propose a cabinet to the new president. With the new government, Guillaume also took on the mantle of minister of defence. At this time, he introduced a governance tool that might well be considered as the most powerful transparency tool ever: the Government Ethics Charter.

The Ethics Charter

Among its ten articles, the charter dedicates two to good governance and public dialogue:

Good governance: Each member of Government shall seek to cultivate excellence and promote the practices of good governance in his/her ministerial department and within the structures placed under his/her authority. The strict respect of the laws of the Republic is a national interest necessity on which depend both the moral trajectory of our country and its sustainable and integral development. In keeping with the right to information of the sovereign people, each member of Government also pledges to account for the actions of his/her department whose results shall be his/her responsibility.

Public dialogue and availability: Each member of Government shall dedicate himself/herself, as a priority, to the exercise of the missions that constitute his/her position and shall be wholly available to this effect. S/he shall, by the way, maintain a public dialogue... with social bodies and other actors in the sector.¹

Guillaume Soro VI: The eGuillaume Soro

Social media

Without doubt, Guillaume has made significant use of the internet during his leadership. He has embraced social media for reasons that he himself provides in a blog post:

Since I joined social networks, I have noticed their influence because I have a real and handy interaction that allows me to get feedback. I mean, all types of feedback without exclusion or partiality. Feedback from the rich, from the poor, from my adversaries, and criticism from my friends. Feedback which ordinarily I could not have received through traditional means.

Web tools

On Facebook Guillaume's personal account is already full and has subscribers in the thousands. He also has an official page. This page has fans in the thousands and generates a huge discussion among its subscribers. The official page is regularly updated with photos of his official activities.

Guillaume made his Twitter debut as @Boghota – most certainly a reference to his earlier student days. He arrived in the very heat of the post-election crises in the country, couched by Alain Logbognon and Sidiki Konaté, close friends who now are also ministers. Over the months, @Boghota has modified and improved his Twitter profile. He is currently using the @SoroKGuillaume handle. Though only a few months old, this account has followers in the thousands already.

On LinkedIn, Guillaume has a well-constructed profile. Though only just set up, his connections are already in the hundreds. He has sought out key professionals of the policy and technology industry of the country and has connected to them.

He has maintained the #SoroKGuillaume handle on Pinterest as well. Though only a new service, he has put up photos and pins about his activities. His pins include family and official ones.

Web platform

Perhaps the most advanced step that Guillaume has taken towards openness and transparency as a leader in the country is the web platform that he has established: www.guillaumesoro.com. This is a one-stop shop for most of his personal activities, missions, and interactive channels and also serves as an information platform. The website includes speeches, his curriculum vitae, publications, policy, political, cultural and sports news, web TV,

¹ nnennaorg.blogspot.com/2011/08/cote-divoire-government-ethics-charter.html



On his Twitter page, Guillaume Soro announces that the National Assembly will be receiving the finance minister, who will be reporting on the newly acquired HIPC debt relief. He requests that citizens send in their questions to the Minister via Facebook and Twitter. One tweet says: “As I promised you, our National Assembly will be listening to you, including with the use of ICT. Bring the questions on!”

photos, links to social networks, an aggregation of his tweets, his blog, and his newsletters.

While there are many other things that Guillaume can do to increase transparency, he has undoubtedly established a solid internet platform on which citizens can engage him as a decision maker, a leader, and an influential political actor in Côte d’Ivoire.

Guillaume Soro VII: President of the National Assembly

In Côte d’Ivoire the government is a mix of parliamentary and presidential systems. Since 1990, the president appoints a prime minister who is also head of the government. The senate, which, in this case, is the National Assembly, is headed by a president. The constitution recognises the president of the National Assembly as the second political power in the country. If, for any reason, the president is unable to carry out his duties, power shall be transferred, not to the prime minister, but to the president of the National Assembly. As the senator of the Ferkéssedougou constituency, it was to the post of the president of the National Assembly that Guillaume was elected by his peers, following the renewal of the National Assembly in Côte d’Ivoire. His investiture was on 12 March 2012.

For the first time in many years, national television had a live transmission of the deliberations of the National Assembly. This allowed a lot of concerned citizens to live-tweet the events as they unfolded. With live transmission and live tweets, there is increasing interest from the Ivorian diaspora.

In the few months that Guillaume has been the head of the legislature and the second political figure in the country, he has heightened his use of the internet in governance. He does regular “Twitter consultations” with the citizenry and also encourages feedback from his constituency and the nation. Apart from the official website of the National Assembly, he has also instituted a Twitter handle for the legislature’s presidency for communication purposes: @SC_PANCI.

In pursuit of the vision of using available technology to liaise with citizens, Guillaume appears to be personally keeping an eye on internet actors and their respective communities. During the first Google Technology Days² in the country, he extended an invitation to the community, while looking to understand what new technology was available for him personally, for the legislature and for the public.³

2 news.abidjan.net/v/9487.html

3 www.cyriacbgou.com/google-days-cote-divoire-jour-1-telechargement-terme

On 8 May 2012, Guillaume turned 40. After consulting online on the possibility of starting a Facebook community page of all those born on the same day as he was, he settled for a face-to-face dinner with outstanding internet community members – professionals, entrepreneurs and bloggers. Discussions, certainly, did go on about the use of internet and its benefits for governance purposes.

One of the key actions in openness and transparency that the National Assembly will undertake in 2012 will be the ratification of the ongoing National eGovernance Plan. Among other proposals, the plan suggests the establishment of a National eGovernance Agency.

Guillaume Soro next: 2012-2015

There are several reasons why Guillaume may be the best possible political actor in Côte d'Ivoire to mainstream the internet as a governance tool for openness and transparency. The first is his youth. At only 40, and from the Zouglou generation, he does not inherit the inhibition of older politicians. He has a wealth of experience in governance that can rival people more than 30 years his senior. Over time he has established a large network with the youth and internet community of the country, and has come to assert his authority over the population both online and offline.

Already young and at number two, the only questions that need to be asked are:

- How long will it take for Guillaume to get to number one?
- What next course will he champion when it comes to the internet?

- How open and transparent can he get the national government to be?
- How long will it take to influence the National Assembly?
- How long can the country keep up the pace of openness and transparency already in motion?

Whatever the answers, one thing is sure: Guillaume is evidently the most “open” and “transparent” in the use of internet technology in the political sphere in Côte d'Ivoire. Eight of ten internet community members in the country who responded to the question “Who has the greatest potential of influencing Côte d'Ivoire by using the internet for openness and transparency?” answered: “Guillaume Kigbafori Soro”.

Action steps

Among other things, civil society will need to push for:

- The effective use of ICTs in monitoring governance, other than just citizen participation, in national finances.
- A proactive stance by the National Assembly in initiating laws to use ICTs in governance and oversight in Côte d'Ivoire.
- The use of ICTs in the transparent management of the Highly Indebted Poor Country (HIPC) debt relief just received by the country. ■

EGYPT

FIGHTING CORRUPTION AS A WAY OF LIFE...



ArabDev

Leila Hassanin
www.arabdev.org

Introduction

As an Egyptian I was intrigued and overwhelmed by GISWatch's 2012 theme. Egypt was, and still is, in deep transition after its 25 January 2011 revolution – the revolution which was triggered by decades of corruption that had spread like a fatal cancer permeating all public, and many private, aspects of life. Transparency International's 2011 Corruption Perception Index ranks Egypt 112 out of 183 countries.¹ In Egypt's case corruption began with the political and business elite and ended by becoming a way of life for nearly everyone, which means that bribery and petty corruption at the administrative and business levels had become a daily incident, the absence of which was the anomaly. The fact that corruption has become so prevalent and an integral fibre of life is why fighting it will need a thorough restructuring of nearly every sector in the country.

Alaa Al-Aswany's best-selling novel *The Yacoubian Building*² bases its plot on this pervasive and insidious corruption. The novel, published in 2002, has been a revolutionary act of free speech that was amplified when it was turned into a film featuring some of the most prominent Egyptian actors. Though this report focuses on the internet's role in furthering and/or obstructing transparency, film is briefly mentioned as an important vehicle to transmit messages, especially in a country with a 66.4% adult literacy rate.³

The use of internet tools for better governance has prompted questions like: How does government itself become an open platform that allows people inside and outside government to innovate? And how do you design a system in which all of the outcomes are not specified beforehand, but instead evolve through interactions between the technology

provider and its user community?⁴ This report uses Global Integrity's⁵ definition of "open government", which is based on:

- Information transparency: the public understands the workings of their government.
- Public engagement: the public can influence the workings of their government by engaging in governmental policy processes and service delivery programmes.
- Accountability: the public can hold the government to account for its policy and service delivery performance,⁶ and the internet can be used for increased governance accountability and transparency.

This definition is just one of many that try to outline the meaning of Gov 2.0, according to the Gov 2.0 Summit held 9-10 September 2009 in Washington, DC. It is notable that most definitions come from the first world, the US in particular.⁷ As the definition of Gov 2.0 takes shape it will be crucial that developing countries participate in shaping the definition from their experience and needs. In particular, how and to what extent are governments willing to be publicly accountable and transparent by posting raw data and information online pertaining to all government and public sector organisations? The Open Government Platform (OGPL) to Promote Transparency and Citizen Engagement⁸ is currently one of the few platforms that have been developed.

The role of ICTs and accountability in Egypt

In Egypt, the e-government portal,⁹ a compilation of services offered by various ministries, is a leading example of what could constitute Gov 2.0. It provides public information, downloadable forms, e-services like notarisation and the issuing of personal papers (birth, marriage, divorce certificates, etc.), train ticket reservations, billing inquiries, and a complaints site,

1 cpi.transparency.org/cpi2011

2 Al-Aswany, A. (2002) *The Yacoubian Building*, American University in Cairo Press. For a synopsis see en.wikipedia.org/wiki/The_Yacoubian_Building

3 UNDP (2011) Egypt Country Profile: Human Development Indicators. hdrstats.undp.org/en/countries/profiles/EGY.html

4 O'Reilly, T. (2009) Gov 2.0: The Promise of Innovation, *Forbes.com*, 10 August. www.forbes.com/2009/08/10/government-internet-software-technology-breakthroughs-oreilly.html

5 Global Integrity: Innovations for Transparency & Accountability. Definition of open government. www.globalintegrity.org/blog/working-definition-opengov

6 Ibid.

7 www.gov2summit.com/gov2009/public/content/gov2-video

8 www.opengovplatform.org

9 www.egypt.gov.eg/english

among others. It was established under the Hosni Mubarak regime, starting in 2002, and has continued to be operational. The Ministry of Administrative Development¹⁰ is the main manager and procurer of these e-services. But that is where “information transparency” begins and ends – the simple sharing of regulations and administrative steps taken, rather than the sharing of vital information and data, some of which might not shed a favourable light on government activities. It is furthermore questionable how useful online payment options are in a country that is cash based and where credit cards are only for the restricted few. This raises the question of for whom these services and e-government portals are made, and if citizens are actually using them.

“Public engagement”, taken from the example of the e-government portal, is focused on some forms of service delivery which may bypass issues of petty bribery, but does not offer a way of significantly circumventing it. There are also few government services that could be completely managed through an online interface. As for “accountability”, there were no examples given in the media or anywhere else of the results of complaints that were filed through the complaints pages of ministries.

This lack of transparency is underscored by the findings of Global Integrity,¹¹ a report that assesses indicators of corruption globally. The report¹² found that there is no public access to information regulations in Egypt. On the contrary, there are laws depriving the public from accessing key government records and information. An example is the Illegal Profiting Apparatus (IPA) law 2/1977 that imposes penalties on “false” corruption charges, or charges that were made with “bad intentions”.

The report further specifies that “citizens often face challenges to posting content online through government censorship (there is a separate government unit in the Ministry of Interior charged with combating crimes related to computers and the web). Indeed, there has been a significant decline in the Egyptian media’s ability to freely report on corruption since Global Integrity’s last report in 2008. Effective conflicts of interest safeguards covering senior officials remain elusive, as does transparency in the budget process.”¹³

A private online initiative for public engagement and government accountability is “Zabatak”¹⁴ – meaning “You have been caught” – which has been built using the Ushahidi platform.¹⁵ The website encourages the submission of anonymous complaints that range from stolen cars and violations of building permits to complaints about government corruption. However, it is not clear to whom these complaints are directed. Or are they meant to be shown as a visual representation of the “crime” and “where” it was cited only? It is also not clear how credible anonymous complaints are. Furthermore, the timelines of the complaints seem to have some software glitch as there are complaints dated December 2012. Here again it is not clear how Zabatak is contributing to accountability.

In Egypt there are no particular examples of corruption cases that have been fought or uncovered using internet tools. The internet, through blogs, Facebook, Twitter and email, has been and is being used to spread information, to gather people around a cause and to discuss different viewpoints regarding particular corruption issues. However, aside from using Twitter to alert the media, the online content has not shaped up into particular advocacy flagship issues. Often concerns regarding specific corruption cases were aired to encourage participation in mass demonstrations. This momentum has ebbed after the elections.

The revolution is the example that has been cited to show the power of ICTs to assist in regime change. The Dubai School of Government has issued the Arab Social Media Report,¹⁶ which gives a quantitative snapshot of the rising popularity of social networks, especially Facebook and Twitter, in Egypt and the region. According to the report, 5% of the Egyptian population joined Facebook between 5 January and 1 October 2011, with youth being the predominant users.¹⁷

The increase in Facebook members, however, does not reflect how active or not they are in fighting corruption online. It is hard to get a content overview on Facebook because many of the more meaningful discourses happen in private spaces that are not publicly accessible. A content analysis of Facebook was made to find out if there are specific discussion threads and groups in Egypt focused on its various corruption issues. Facebook had four specific groups, but most were not active beyond a few posts.

10 www.edara.gov.eg/Templates/Default.aspx?NRMODE=Published&NRNODEGUID=%7B2B82B630-61D7-456D-B716-CA4BF373F1D9%7D&NRORIGINALURL=/Default&NRCACHEHINT=NoModifyGuest

11 www.globalintegrity.org/report

12 Global Integrity Report, Egypt 2010. www.globalintegrity.org/report/Egypt/2010

13 Ibid.

14 www.zabatak.com

15 ushahidi.com

16 www.dsg.ae/en/asmr3/ASMRGeneralFindings3.aspx

17 Ibid.

Nevertheless, corruption is an ongoing discussion among Egyptians, online and off. Some of the most pertinent exchanges occur in discussions and venting between friends, families and special interest groups. The discussions are as widespread and diverse as the sources of corruption themselves (e.g. they range from discussions about whom and how to persecute, ways to recover stolen and smuggled assets, security, crime and petty crime, political corruption of the military, fair elections, foreign involvement in the country's affairs and the instigation of political corruption). There are also more localised corruption discussions that focus on and occur in specific regions, sectors, universities, or companies – though it seems that many of these are more geared towards venting and only in some cases towards organising strikes or peaceful demonstrations.

Twitter, which had 215,000 active users in Egypt in March 2012,¹⁸ has been more specifically used to organise demonstrations and strikes, and to share events with national, regional and international media. Tweets were made predominantly in English. Twitter added support for Arabic only in early March 2012.¹⁹ TweetDeck²⁰ offered Arabic support for those who knew how to enable it – it was not set by default. The content of tweets is harder to survey as the content of Twitter messages is not searchable (i.e. there is no search function that would allow one to read all the tweets concerning “corruption” in Egypt). The content is archived by tweeter, and with an estimated 55 million tweets a day,²¹ one can only follow a relatively limited amount of #tags. From a limited content analysis, corruption tweets did not differ in content from the exchanges made on Facebook. There were some tweets that were oriented to the international media. Otherwise, social network sites thrive on short messages that are mostly geared towards a specific incident or cause that is related to a specific moment. Many corruption exchanges were coloured by the moment – they followed the main political and business news on a particular issue at a particular time – in that they were reactions to happenings and not longer-term considerations of anti-corruption efforts.

Until now Facebook and Twitter have been spared in Egypt the challenges they are facing in the US, Canada, Europe and Russia, where users are being tracked for business reasons and employers plough through social network content to gather information on their employees.²² However, social networks are being trolled by law enforcement, like in every other country, and this has sometimes brutally compromised freedom of speech.²³ It needs to be seen how long the commercial and business pressures keep their distance from social networks in Egypt and the region.

Has the emergence of the internet made a difference to transparency? The internet in Egypt has been used as a whistleblower and a vehicle to transmit news instantaneously among interested members of the public. It was also pivotal in alerting regional and international media to abuses. Though this has proven crucial during national uprisings, it is not the same when it comes to fighting the longer-term battle of deep-seated corruption. A sure sign of the degree of opacity in Egypt is that there are no notable examples of information leaks. This absence of “hidden” information appearing in the public domain has continued post-revolution.

As far as collaboration with foreign donors goes, many of the e-government portal initiatives in Egypt were funded by bilateral and multilateral donors. Immediately after Mubarak stepped down, UK-based Chatham House organised the Defining and Tackling Corruption Workshop in February 2012²⁴ in an attempt to categorise corruption in Egypt, and offer case studies from Georgia and Kenya of how other governments addressed corruption. One important workshop recommendation was to introduce freedom of information legislation. References to this workshop were found both on Twitter and Facebook, though it is not clear whom the stakeholders in this workshop were and how legitimate the workshop is for present decision makers.

Setting up the legal, institutional and enforcement capacities for freedom of information and speech will be a priority. The Egyptian parliament has proposed a draft law to create an independent corruption-fighting government authority. This new authority is to supersede the Administrative Control

18 Ibid. Tweepsters making up 0.26 percent of the total population in Egypt.

19 www.mediabistro.com/alltwitter/twitter-right-to-left-languages_b19241

20 www.tweetdeck.com

21 Cochran, S. (2010) Library of Congress Acquires Twitter Archive, Yahoo Voices, 19 April. voices.yahoo.com/library-congress-acquires-twitter-archive-5862272.html?cat=15

22 www.insidefacebook.com/2011/06/12/facebook-sees-big-traffic-drops-in-us-and-canada-as-it-nears-700-million-users-worldwide

23 Hassanin, L. (2009) Egypt: Access to Online Information and Knowledge, in GISWatch 2009. www.giswatch.org/country-report/20/egypt

24 www.chathamhouse.org/sites/default/files/public/Research/Middle%20East/0212egyptsummary_corruption.pdf

Authority created during the Gamal Abdel Nasser regime, but with the difference that the former shall be affiliated with the People's Assembly, the parliament, rather than the Prime Minister's Office, as was the case with the latter.²⁵

This might be a good start, although, due to the pervasiveness of corruption – one article referred to it as “Egypt marinated in corruption”²⁶ – one of the main roles of any new Egyptian regime is to be seen as a “clean” role model, a model that eschews corruption in government, public and private sector dealings. That is, a place where politicians are transparent and honest. This model then needs to be enhanced by offering means of transparent public participation in an effort to be vigilant about corruption – and the internet is one of the most democratic tools to offer citizen participation in rebuilding a more honest and law-abiding community and country.

It remains to be seen how much transparency will emerge out of the present transition. For now, Facebook and Twitter are telling us that there is more transparency needed from the budding government. May the internet continue to be used in Egypt – as it has been recently – as a forum to get honest feedback from citizens. This is the cornerstone of any freedom of expression and freedom of information law.

Action steps

As Egypt is undergoing major structural power changes, it is important to build in transparency and accountability tools from the start, the internet being a primary tool to enhance the citizen-government communication channel. To do this it is recommended that:

- Citizens negotiate and demand an open government platform that enables the transparent online publishing of government and public sector data and information across diverse sectors and at various departmental levels.
- The platform should have citizen spaces that allow open debate regarding the information and data made available, especially where it becomes an issue of governance and/or safety.
- Citizens push for the creation of an open government law and an independent authority that is fully accessible to all citizens for recourse to uphold and enforce the law.

Most importantly, a working example of the open online sharing of government data and information and an honest interaction with citizens regarding this data are indispensable as a starting point for making government transparency and accountability a reality in Egypt. ■

25 Egypt Independent (2012) Parliament considers fighting corruption with new authority, *Egypt Independent*, 7 June. www.egyptindependent.com/news/parliamentary-committee-assigned-mull-establishment-authority-fighting-corruption-nehal-news-1

26 Cockburn, P. (2010) Egypt: Marinated in Corruption, *Counterpunch*, April. www.counterpunch.org/2012/04/02/egypt-marinated-in-corruption/

ETHIOPIA

THE EFFECTIVE ROLE OF E-GOVERNMENT IN COMBATING CORRUPTION



Ethiopian Free and Open Source Software Network (EFOSSNET)

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Introduction

The Ethiopian information and communications technology (ICT) sector has shown substantial growth in the last five years as a result of massive investment in the sector. Mobile subscription has grown from less than a million subscribers in 2005 to over 14 million in December 2011. It is estimated that there were about 500,000 internet users in Ethiopia in 2009, which implies that only 0.6% of the population has some kind of internet access.¹ The new five-year Growth and Transformation Plan (GTP) is widely expected to boost economic growth and demand for communication services. To this effect, the GTP acknowledges that for effective, efficient, transparent and accountable civil service as well as to increase their contribution to institutional transformation, it is important to support the reform process using ICTs.²

Implementation of the Ethiopian ICT policy started in 2005. Among its priority focus areas, ICTs for governance or e-government services were set up in government institutions. E-government broadly implies the use by government agencies of ICTs such as the internet, wide area networks or mobile computing to exercise their functions in an efficient and effective manner, and in doing so, to transform their relations with citizens, businesses and other government entities. The resulting benefits can be less corruption, increased transparency, greater convenience, revenue growth and/or cost reductions (which this report tries to explore by focusing on some specific cases).

Policy and legislative context

Ethiopia is a federal republic under its 1994 constitution. Article 12 of the constitution specifies that “the conduct of the affairs of government shall be

public and transparent. Any public official or an elected representative is accountable for any dereliction of the duties of office.”³

Cognisant of the need to institutionalise transparency and fight corruption, the Ethiopian government established the Federal Ethics and Anti-Corruption Commission (FEACC) in May 2001 (and set out its powers in the revised Proclamation 433 of 2005) with the main objectives of taking forward a series of preventative measures and establishing powers of investigation, prosecution and research.

Although the Ethiopian ICT policy was approved by the Council of Ministers in August 2009, as suggested, implementation of the policy started in September 2005 with the establishment of the then Ethiopian ICT Development Agency (EICTDA). E-government is one of the six focus areas of the policy. To this effect, the Ministry of Communications and Information Technology has engaged PricewaterhouseCoopers in designing the national e-government strategy and implementation plan.⁴ The e-government strategy document became functional in January 2011 with a five-year implementation plan.

With support from the United Nations Economic Commission for Africa (UNECA), the government has also prepared a national draft law to govern e-commerce.

Key issues

The recently conducted second corruption perception survey, commissioned by the FEACC, found evidence of opaqueness and lack of transparency especially in the manner in which public institutions in Ethiopia interact with business enterprises. Respondents from the business sector as well as public employees reported a lack of transparency and corruption in areas such as customs clearance, taxes and revenue collection, application and interpretation of regulations, as well as government procurement procedures. Both past and recent surveys indicated that both petty⁵ and

1 Adam, L. (2010) Ethiopia ICT Sector Performance Review 2009/2010: Towards evidence-based ICT policy and regulation, Vol. 2, Policy Paper 9, Research ICT Africa, Cape Town.
2 Ministry of Finance and Economic Development (MoFED), Federal Democratic Republic of Ethiopia (2010) Growth and Transformation Plan (GTP) 2010/11-2014/15, MoFED, Addis Ababa.

3 Proclamation No. 1/1995, Constitution of the Federal Democratic Republic of Ethiopia (FDRE).
4 Ministry of Communications and Information Technology (2011) E-Government Strategy and Implementation Plan – Report January 2011, Government of the Federal Democratic Republic of Ethiopia, Addis Ababa.
5 Petty or low-level administrative corruption involves small sums and typically more junior officials, such as, for instance, citizens handing over a small sum of money or other gift in order to get a junior public servant to actually do his/her job.

grand corruption⁶ were on the increase. However, the more common type was petty corruption, whereby a junior public servant (e.g. a customs officer, police officer, court prosecutor or municipal clerk) attempts to derive illegitimate benefits by subverting the law or established procedure. Petty corruption also tends to be diffuse across all regions of the country, affecting all levels of public institutions from federal to regional to local government institutions. It was also revealed that the public institutions that were said to be particularly susceptible to corruption were regional government institutions and municipal offices, as well as all levels of the judiciary and the police.⁷

According to the above-mentioned survey results, the majority of the respondents in each sample category felt that corruption had been contained or was better than it had been some five years before. For instance, between 40% and 57% of the respondents in each sample group felt that corruption was now better or much better than it had been five years back, while a further 8% to 20% said it was about the same as before. On the other hand, between 31% and 47% of the respondents in each sample group felt that corruption was now worse or much worse than it had been some five years before.

This, to a great extent and as widely recognised by many, is due to the government's commitment to combating corruption through various mechanisms and through legislation, including the increased modernisation of government services using ICTs. One of the main government programmes to this effect is the Public Sector Capacity Building Programme (PSCAP) which has been dealing with six focus components to build the country's capacity. Among the six components of PSCAP is ICT capacity building. The others are civil service reform, urban management capacity building, district level decentralisation, and tax and justice system reform. PSCAP's specific objective in the national ICT capacity-building programme, which is funded by government and development partners, is to harness ICTs for the development of human resources, democratisation, service delivery and good governance. The performance analysis report⁸ of the ICT for public service delivery and good governance sub-unit of the PSCAP programme published in June 2009 indicates

that the programme enabled the establishment of information portals for several ministries, including the education, health, trade, industry, finance, mines and energy, culture and tourism ministries. Over 215 local area and 39 wide area networks were developed, both at federal and regional levels, with over 69 websites developed for regional bureaus to make information accessible to the public. It is also reported that some 512 data centres (two at the federal level, 22 at the regional level, seven at the zonal level and 481 at district level) were established.

Furthermore, the current e-government strategy envisages the implementation of 219 e-services, comprising 79 informational and 140 transactional services, over a five-year period. The implementation is proposed to be done through 12 priority projects using four communications channels (portal, call centre, mobile devices and common service centres). The delivery will be facilitated and strengthened through six core projects, including a national payment gateway, an enterprise e-framework, the development of key public infrastructure, the development of a national data set, a national enterprise service and a national integrated authentication framework.⁹ To this end, the Ministry of Communications and Information Technology's priority projects will facilitate development of these services based on life-cycle based service requirements of customers. The key priority projects include agriculture services, benefits management, education, e-health, a trade portal, services for employment, transport, tourism and tax, e-courts, e-municipalities, and online passport and visa services. When completed and operational, some of these e-services would be able to address the key areas where corruption and accountability challenges are being reported.

Implementation of the e-government strategy is underway with online applications for five ministries that are ongoing and at different stages of development. A bid is floating for the development of online applications for four additional ministries and organisations. A number of services have already been evaluated. Among them is a student registration and placement service, which has also won the 2011 UNECA Technology in Government Award (TIGA). When first launched in the 2010/2011 academic year, there were one million and 130,000 students enrolled to take the 10th and 12th grade national exams respectively. However, the student registration and placement online service received

6 Grand corruption refers to corruption that involves substantial amounts of money and usually high-level officials. It typically includes kickbacks to win large public procurement contracts, embezzlement of large sums of public funds, irregularities in public finances and in political party and campaign financing, political patronage, etc.

7 Federal Ethics and Anti-Corruption Commission (FEACC) Federal Democratic Republic of Ethiopia (2012) Ethiopia Second Corruption Perception Survey, Volume 1 – Main Report, prepared by Kilimanjaro International Corporation Limited, FEACC, Addis Ababa.

8 Public Sector Capacity Building Programme Support Project, November 2004 to April 2009, Result Analysis, Volume 1, June 2009.

9 Ministry of Communications and Information Technology (2011) E-Government Strategy and Implementation Plan – Report January 2011, Government of the Federal Democratic Republic of Ethiopia, Addis Ababa.

over 1.8 million and 450,000 views of the 10th and 12th grade national exams online services respectively, which shows the success of its effective use. The university placement system enabled universities to be aware of their prospective new students in a timely way through the website, which was a process that previously took a long time. This latter initiative will help address concerns around transparency issues when placing students in universities, as the universities are in different locations and levels of development in terms of the quality of teaching, learning and experience.

This shows that in the last decade there has been a strategic move towards growing ICT applications and services spearheaded by high-profile government projects that aim to connect schools, districts, health establishments, academic institutions and government offices.

One of the successful examples of the improved public service delivery achieved is at the Documents Authentication and Registration Office (DARO). DARO was established under its previous name – Acts and Documents Registration Office – in April 1996 as an autonomous institution under the city government of Addis Ababa. It was among the offices that were decentralised in 2003, accountable to the Ministry of Justice. DARO provides services to its customers at the head office and four branch offices in the city. As part of its strategy, it focuses on addressing three critical strategic issues: improving effectiveness and efficiency, reducing the service time to clients, and eliminating corrupt practices and other offences. To this effect, among others, the office actively implements the automation of all services delivered and the introduction of a zero tolerance approach to corrupt practices. This has enabled the office to be recognised by a number of national and international organisations for its outstanding public service delivery.

A study undertaken on the impact of decentralisation and reform in this office based on a sample survey among customers before and after the introduction of the reform shows a major decrease and change in corruption practices as perceived by customers (i.e. from 31.42% to 2.85%).¹⁰ This shows the successful implementation of the office's transformational strategy to enhance public service delivery coupled with the leadership commitment and recognition in using ICTs in enhancing services delivered.

¹⁰ Tedla, L. A. (2009) Impact of Decentralisation on the Provision of the Document Authentication and Registration Service in Addis Ababa, Ethiopia, Masters thesis on Urban Management and Development, Institute for Housing and Urban Development Studies, Erasmus University, Rotterdam, Netherlands.

Since September 2011, DARO¹¹ has been online and clients are no longer required to queue to get their documents processed. Instead, clients can fill out the form they need online¹² and receive a reference number to access their form and be notified of the fee payable. They will then be required to be present in person at an agents' window at the DARO office to sign up and pay the required service charge. All the seven branches of the office are networked and the service is available in Amharic and English. The office confirmed that this service will reduce the misplacing of client's documents. Such improvements in efficiency will enhance transparency and reduce corrupt practices. Furthermore, it has enabled the office to increase the number of people served per day from 30 to over 2,000.

This best practice can be replicated in most organisations that are reported to be highly affected by corruption and a lack of transparency.

Conclusion

It is evident that ICTs can improve transparency in the public sector by increasing coordination through integrating the different government institutions, and increasing the administrative capacity of the public sector generally. ICTs also improve service delivery. However, the poorer members of society could be affected negatively when it comes to both of these benefits. Firstly, corruption falls disproportionately on the poorer members of society, who are hindered from accessing scarce services.¹³ Secondly, given the limited ICT penetration and lack of access to ICTs by poorer communities, they tend to be marginalised from the benefits of ICTs when it comes to combating corruption. However, access is rightly identified as one of the key objectives in the government's Growth and Transformation Plan with respect to expanding the rural universal telecommunication access programme, and it is expected that access to ICT services will not be an issue for the large number of e-services planned in the e-government strategy.

ICTs can also facilitate the collection of digital footprints and a complete audit trail which increases the opportunity to hold individuals accountable and ultimately increase the possibility to detect corrupt practices. As a result, as is the case in many

¹¹ www.ethiopianinvestor.com/index.php?view=article&catid=1%3Alatest-news&id=2462%3Adocument-authentication-goes-online&option=com_content

¹² www.daro.gov.et

¹³ Gronlund, A. et al. (2010) *Increasing Transparency and Fighting Corruption Through ICT: Empowering People & Communities*, Swedish Program for ICT in Developing Regions (SPIDER), Stockholm.

countries, there will be challenges in government institutions which may resist change and be less than helpful in facilitating the implementation of e-government platforms. To this end, the commitment of the leadership as is evident in the case presented above is necessary to successfully implement ICT-based applications.

Finally, ICTs can facilitate information sharing and social mobilisation, and ultimately provide digital platforms where citizens can report incidents anonymously. In this way the Federal Ethics and Anti-Corruption Commission can utilise new ICT tools to enhance its activities, by disseminating information and educating the public as well as increasing the public's participation in combating corruption.

Action steps

The Growth and Transformation Plan recognises the importance of ensuring transparency and combating corruption at its source by supporting the reform process using ICTs. Therefore, there is great scope for the use of ICTs in enhancing public service delivery and transparency and reducing corrupt practices. To this effect, multi-stakeholder action will enhance the success of this objective. The implementation of the e-government strategy needs to prioritise all sectors of the economy, including the informal sector, when it comes to using ICTs for transparency and fighting corruption.

It is recognised that making government information available to the public is important for an informed citizenry and an accountable government, including for enhancing opportunities for participation. To this effect, the government needs policies based on open government principles to make information accessible through the implementation of the already identified e-services in the e-government strategy.

The participation of civil society organisations is of paramount importance in advocacy work when it comes to realising such policy initiatives and in promoting the use of ICT applications for combating corruption. ■

HUNGARY

A HYBRID ORGANISATION TACKLES CORRUPTION



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Introduction

Elections in April 2010 in Hungary – a small country of 10 million people in the middle of Eastern Europe – marked a major turning point in its political and social life. A landslide victory for the right wing in the midst of the economic crisis rampant in Europe granted the governing coalition a two-thirds majority in parliament.¹ However, the system of democratic institutions constructed during the round table talks between the old and new elite in 1989 was based on the assumption that a two-thirds majority necessitates the agreement of the government and parts of the opposition.² Thus the new coalition gained virtual omnipotence.

Lawmakers set out to transform the country with unprecedented confidence and speed, unfettered by the requirements of political negotiations and public consultation. Hungary quickly became a textbook example of establishing a quasi-authoritarian state. The new policies clashed with European Union norms and regulations on several occasions. Leading politicians employ a post-colonial language to argue that Hungary can find its own way out of the crisis and set an example for Europe.³

The Atlatzso website and organisation, partly inspired by the example of WikiLeaks, was set up in July 2011 to produce information about large-scale corruption and counter the chilling effect that resulted from the changes in media policy and attitudes. Bringing together best practices from various successful international organisations, it found an effective combination of existing models. This is their story.

Policy and political background

As part of the government takeover of the institutions, new policies have been implemented at all levels of the administration and public life, the high point being the new constitution that came into effect on 1 January 2012. The constitutional court has also been expanded with appointees of the government and its powers curtailed. Functionaries were appointed for unusually long terms (for example, 12 years for constitutional court judges).⁴ These changes cement the influence of the current government for years to come even if it loses at the ballot boxes in the next elections.

The Hungarian media ecology was also dramatically affected on three levels. Firstly, the new media law had widespread implications.⁵ It created a new media oversight body which brought together functions of several institutions under a head with formidable powers. Libel law was changed so that media outlets have to pay a fine when accused of defamation, after which they can initiate a court process to get their money back. Legal changes also meant the eradication of source protection. Secondly, state television, state radio and the national news agency were centralised in a single organisation using the justification of economic cuts, but giving the government better control. Thirdly, the wave of mass layoffs in state and privately owned media, reaching their peak around the end of 2011, meant that many news workers who had been critical of the state found themselves on the street.

Investigative journalism to the rescue

Atlatzso emerged in July 2011⁶ from a history of frustration with the current state of public debate and the concrete eradication of the institutional context for investigative journalistic work. Its staff was made up of journalists who felt censored in commercial media outlets, lawyers who wanted transparency,

1 European Election Database: Dataset Hungary: Parliamentary Election 2010. eed.nsd.uib.no/webview/index.jsp?study=http%3A%2F%2F129.177.90.166%3A80%2Fobj%2FStudy%2FHUPA2010_Display&mode=cube&v=2&cube=http%3A%2F%2F129.177.90.166%3A80%2Fobj%2FCube%2FHUPA2010_Display_C1&top=yes

2 en.wikipedia.org/wiki/Hungarian_Round_Table_Talks

3 BBC Business News (2012) Hungarian PM Viktor Orban denounces EU's 'colonialism', 16 March. www.bbc.co.uk/news/business-17394894 and China Daily (2012) EU flag burned at far-right rally in Budapest, 15 January. www.chinadaily.com.cn/world/2012-01/15/content_14448830.htm

4 The Constitutional Court of Hungary (2012) *Constitutional Court: History, Organisation* (press English in menu to see the English version). www.mkab.hu/alkotmanybirosag/az-alkotmanybirosagrol/tortenet

5 Center for Media and Communication Studies (CMCS) (2011) *Hungarian Media Laws: An Assessment of the Consistency of Hungary's Media Laws with European Practices and Norms*, Central European University, Budapest. medialaws.ceu.hu

6 atlatzso.hu (2012) *Watchdog NGO and online news portal for investigative journalism in Hungary*. atlatzso.hu/wp-content/uploads/2012/07/atlatzso_english_july2012.pdf

and IT experts with resources and capacity. Initiated by Bodoky Tamás, an award-winning investigative journalist, the team included Jóri András, former Commissioner for Data Protection and Freedom of Expression, and Ákos Maróy, a leading technologist and media artist. The project went on to bring together a number of established professionals, ambitious young journalists and other volunteers. The idea was to concentrate on the issue of the transparent expenditure of public resources.

The WikiLeaks experience has taught editors a number of lessons: (1) publicising insider information can be a game-changing factor in the field of politics; (2) however, it is not enough to put information out – it has to be digested and presented to the audience; and (3) anonymous publishing is a problem for legitimacy – real and credible journalists have to take public responsibility for materials. Therefore, the initiative proposed to combine traditional journalistic work with freedom of information (FOI) requests and an online submission system.

The Atlatzo model draws on a number of other similar models and experiences, including anonymous leaking platforms like WikiLeaks,⁷ watchdog and open data NGOs like the Sunlight Foundation,⁸ citizen journalism,⁹ automated FOI requests like WhatDoTheyKnow,¹⁰ and most importantly, the new wave of centres established to promote investigative journalism.¹¹

Leveraging the low cost of production for electronic publications, the website offers a daily flow of news items in conjunction with a growing number of services. Articles are based on original research and often track stories that develop over several months or even years. Follow-up is at the heart of Atlatzo's mission, since the focus is on generating impact rather than producing content that draws attention to issues of passing interest. In contrast to prevailing journalistic practice, claims are often backed up by original source documents which are either linked or published directly on the site. Presenting the evidence in the concrete form of the original source documents boosts the credibility of claims, which is key for anti-corruption work. Materials published here receive widespread media attention locally and international recognition abroad – shown in the press coverage section,

which includes more than 100 articles from online and offline newspapers that refer to Atlatzo.

In addition, Atlatzo operates a number of services. The automated FOI request portal allows any citizen to ask for information of public interest, and the archive holds more than 100 requests to date. The archived website of the former Commissioner for Data Protection and Freedom of Expression (whose office has been abolished) contains information about basic rights. The online submission system and leaking guide enable sources to send documents to Atlatzo anonymously. The “oligarch database” gathers profiles of businessmen who combine their increasing wealth with political and media influence.

The latter is somewhat peculiar to the Hungarian context where “oligarch” became a buzzword in parliamentary debate, smear campaigns and internet memes¹² – roughly equivalent to “the 1%” in the United States.¹³ Atlatzo editors capitalised on the popularity of the term to continue the systematic investigation of the Hungarian economic and political elite. The next step is to construct and maintain a social network database similar to They Rule¹⁴ or LittleSis,¹⁵ cross-linked with profiles and news features.

Another peculiarity of Atlatzo is that the staff numbers as many lawyers as journalists, and it has around a dozen ongoing court cases at any one time. Most often Atlatzo goes to court to enforce FOI requests. These requests are often rejected by the data holders, but courts frequently find the request well-grounded and order the release of information. It is quite sad to see that investigators have to fight for several months to read information that should ideally be published on the website of the respective organisation or institution. Few other media outlets or NGOs have the resources and the insistence to go to such lengths to obtain data – which gives Atlatzo its competitive edge at the same time as demonstrating the comparatively low level of internalised democratic norms in Hungary.

Corruption redressed

The Atlatzo campaign on the Hungarian Electric Works (Magyar Villamos Művek, commonly abbreviated as MVM) is a case in point. The portal picked

7 wikileaks.org

8 sunlightfoundation.com

9 advocacy.globalvoicesonline.org

10 www.whatdotheyknow.com

11 Atlatzo is a member of the Organized Crime and Corruption Reporting Project, which brings together many similar projects organised by the Centre for Investigative Reporting in Sarajevo. www.reportingproject.net/occrp and www.cin.ba

12 Global Voices Online/atlatzo.hu (2012) Oligarch is the New Buzzword of the Hungarian Internet, 9 May. globalvoicesonline.org/2012/05/09/hungary-oligarch-is-the-new-buzzword-of-the-hungarian-net

13 The Occupy Movement popularised a new language in US political debates where the rich are referred to as the 1% and the people as the 99%.

14 theyrule.net

15 littlesis.org

up a scandal that raged in 2008 about widespread corruption in the firm. At the time, public upheaval following the findings of an internal investigation by MVM, which had been leaked to leading news sources, contributed to the fall of the “socialist” government. Public money had been laundered using offshore companies. The CEO made bad deals which resulted in stellar losses, while the lost money found its way back into his own circle. The case was unofficially associated with the resignation of the energy minister, and the opposition demanded unsuccessfully that a parliamentary committee should be set up. While MVM quickly acquired a new CEO, the criminal cases merely dragged on in the hands of the National Bureau of Investigation. The story moved out of the spotlight of public attention and it was not long before the old CEO reappeared at the top of the Budapest Transportation Company (Budapesti Közlekedési Vállalat, or BKV).¹⁶

When Atlatzso re-evaluated the issue, they found that the leaked documents were easily dismissed as illegal or inauthentic by the accused, while the official public version of the internal report had been edited and parts omitted. Therefore they decided to go to court to challenge each change made to the document separately. They used the leaked version to show that most omissions were not defensible on the grounds of protecting trade secrets.

Following a lengthy court trial, the new version of the report – almost uncensored – was recently released. It shows that the present CEO of MVM has also been involved in the corruption ring, receiving huge sums for consulting work without any tangible results. Newspapers picked up on the topic once again, and the police started to round up the suspects who were untouchable for two years. The case called into question the widely publicised assertion of the present prime minister that oligarchs belong to the era of the previous government.

Sustainability and achievements

The story shows that due to its innovative organisational model, Atlatzso can pursue stories more persistently than commercial or state-owned news outlets, and focus more consciously on impact. This is in no small part thanks to its funding sources, a mix of individual donations and structural funding from civil society donors such as the Open Society Institute. In other parts of the world it is customary to run civil society organisations relying on donations from citizens, but in the Hungarian context it

is a daring venture seldom attempted before. Critics often cite the legendary cynicism of citizens, the apathy ingrained in society, and the repressive mechanisms put in place by authoritarian trends in the country’s political life as reasons for a disengaged public.

In the face of these doubts, during the first year of operation Atlatzso went from a small blog to an established organisation. Its story began with harassment by the Organised Crime Unit of the National Bureau of Investigation, which confiscated hard drives from the Atlatzso headquarters, in response to the organisation’s refusal to reveal the sources of documents about an electronic break-in to a financial institution. Atlatzso challenged the demands of the police and finally the constitutional court decided that the protection of sources was inadequate in the 2010 media law.¹⁷ Since then, Atlatzso has taken the initiative and expanded without major challenges from the authorities. Most recently, it won the Breaking Borders Award, launched by Global Voices Online and Google for advancing the cause of free expression online.¹⁸

Concluding remarks

Atlatzso provides a working model of how the best practices of traditional journalism can be combined with emerging trends, including the potential for the internet to support critical information leaks, the open data movement, and citizen journalism. The project brings together several strategies to produce a variety of content types, from raw source documents to databases and interactive services, to analytical and investigative articles. It highlights how crucial it is to take care of both sides of the information flow: input and output. While acquiring new data from restricted sources is a long, delicate and cumbersome process which takes much dedication, analysing the data, putting it into context and presenting it to audiences and users should receive the same care and attention. Furthermore, in order to achieve actual impact, selecting data sources and presenting them has to be a strategic, thoughtful decision.

The strategic use of ICTs has helped Atlatzso in a number of ways. Firstly, the cheap production costs enabled the first editors to develop a proof-of-concept website developing the first round of content, effectively starting operation before they

¹⁶ The CEO has since resigned from his seat on the transportation company as well.

¹⁷ atlatzso.hu (2012) *Watchdog NGO and online news portal for investigative journalism in Hungary*. atlatzso.hu/wp-content/uploads/2012/07/atlatzso_english_july2012.pdf

¹⁸ Global Voices Online (2012) *Announcing the Winners of the Breaking Borders Awards*, 2 July. summit2012.globalvoicesonline.org/2012/07/announcing-the-winners-of-the-breaking-borders-awards

could secure funding. The availability of a concrete prototype helped greatly in winning the trust of donors and citizens who donated money. Secondly, the opportunity to publish source material that backs up claims seems key in making indisputable statements when challenging corruption. That is impossible to do in print alone. Thirdly, online platforms enable interactive services which can mutually complement news sources. These can potentially empower users to search in databases built from known and accumulated information – like the oligarch database or the directory of previous FOI requests – while also producing new and as yet unknown information (for example, through the submission platform or FOI request automation).

Naturally, many of these elements existed in one form or another before the rise of the internet: manuscripts submitted to patrons and publishers; photocopies of internal reports sent to newspaper headquarters; supplements of newspapers listing the best universities as a rudimentary database. However, what we see is a restructuring of possibilities enabling new configurations to emerge, and on a much wider scale.

Advertisement-driven news outlets, especially their online manifestations, are structurally and necessarily unsupportive of investigative journalistic

work and prone to economic and political pressures. Their operation can be greatly complemented by user-supported and donor-funded projects which produce quality materials and deliver useful services. Nonetheless, these conclusions prompt the question: Can privately and state-owned news channels still fulfil their mission of informing the public and enriching the public discourse on sensitive and politicised topics such as corruption? Or, like so many times, does civil society have to step in to fill glaring holes left by the market mechanisms?

Action steps

- Public interest information should be in the public domain.
- Public interest information should be readily available online.
- Public interest information should be available in open formats.
- Citizens should demand and follow information about state expenditure and operations.
- Citizens should set up and nurture their own infrastructure for monitoring.
- Citizens should force state action on known corruption cases. ■

INDIA

INDIA, THE INTERNET AND THE NEED FOR A GOVERNMENT THAT IS RESPONSIVE TO ITS CITIZENS



Digital Empowerment Foundation

Ritu Srivastava
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Introduction

It is a recognised fact that good governance is essential for sustainable economic and social development. In this context, ICT tools such as the internet are widely believed to have the transformative power to bring about the desired changes, including fulfilling public service needs and responding to grievances.

Transparency, accountability and responsiveness are the three essential aspects of good governance. Accountability can broadly be defined as an obligation on those who are holding power to take responsibility for their behaviour and actions with the primary objective of improving service delivery to the citizens. Technically, social accountability is possible with an active civic engagement that includes direct or indirect participation of citizens and citizen-centric groups in exacting accountability to make service delivery mechanisms effective. Responsiveness ensures that the time lag between demand and the fulfilment of the needs of citizens is minimal. Together, accountability and responsiveness ensure transparency in administrative processes and functions.

Globally, the United Kingdom was the first country to adopt a citizen-centric policy by launching the Citizen's Charter programme in 1991,¹ aiming to enhance standards of service delivery and make governance more transparent and accountable. Other countries like Malaysia, Belgium, Canada, Australia, Sweden and Spain extrapolated on the British experiment and implemented similar kinds of programmes for transforming the delivery, culture and responsiveness of their public services.

Developing countries like India followed and now most public services such as water, electricity supply, garbage disposal, the issuing of ration cards and other services are being provided and managed by state-level departments and agencies. However, the needs of citizens continue to be to put on hold

as, in many instances in India, bureaucrats refuse to perform their duties in ways required by the government. This has led to further calls for strong citizen-centric policy and mechanisms for addressing public grievances.

The majority of India can be considered rural, with over 70% of the population living in 638,365 villages,² represented by 245,525 Panchayats.³ Most of the villages are located in the remotest regions of the country. It is these regions that are overwhelmingly poor, backward and deprived; they are outside of the development fulcrum and lack access to services, information and infrastructure. Equally despairing are the conditions of the urban poor and poor middle-class citizens. While service delivery and good governance are still anticipated, what is astonishing is the lack of mechanisms for citizens to air their grievances, lodge public complaints and be heard. This is seen in the lack of access points and mechanisms to register complaints or grievances.

In 2011, the draft Electronic Service Delivery Bill and Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill were passed. The challenge remains in ensuring that such citizen-centric initiatives find adequate provisions for addressing citizen grievances. What is discussed in this report is whether or not the internet as a platform for "people's power" can be the panacea to fill this wide gap.

Citizen's charter and a grievance redress mechanism in India

The struggle against corruption in India started in 1968 through the introduction of various bills (such as the Citizen's Ombudsman Bill). Borrowing from the legacy of the British experiment, India has been making steady strides towards developing and reorienting policy goals that ensure citizen-centric governance. In 1994, consumer rights activists for the first time demanded a citizen's charter for health service providers at a meeting of the Central Consumer Protection Council in Delhi. In this context, the first model of public service was developed in 1997 when it was mooted by former Prime Minister

1 goicharters.nic.in/ccinitiative.htm

2 censusindia.gov.in/Data_Products/Library/Post_Enumeration_link/No_of_Villages_link/no_villages.html

3 The Panchayat is the basic unit of administration in India. en.wikipedia.org/wiki/Panchayati_raj

I. K. Gujaral as part of the Action Plan for Effective and Responsive Government. This laid out the foundation for the nodal agency, the Department of Administrative Reforms and Public Grievances (DARPG), that operationalised the citizen's charter in all major central-level ministries, departments and nationalised public-sector units.

Starting with central-level ministries and departments (such as Indian Railways, the Department of Public Distribution, and the Department of Telecommunications), by April 2006⁴ the central government had formulated 779 citizen's charters engaging various state agencies, governments and administrations of the Union Territories. Based on the UK model, DARPG emphasised the involvement of consumer organisations, citizen groups, and other stakeholders in citizen rights in order to focus the documents on the needs and requirements of end-users. As the DARPG's *Citizen's Charters: A Handbook* puts it:⁵

These charters were to include first, standards of services as well as the time limits that the public can reasonably expect for service delivery, avenues of grievance redressal and a provision for independent scrutiny through the involvement of citizen and consumer groups.

However, a closer examination of India's experiment reveals that this programme made no difference in altering the state of public administration in general and public service delivery in particular. A study conducted by the Indian Institute of Public Administration (IIPA) in 2008⁶ concluded that besides enjoying a symbolic value, many charters were non-existent and outdated, and invisible within the organisation as well as in the public domain.

To align public service performance with citizens' expectations, in 2006 the government adopted the "Sevottam model",⁷ which recognises and encourages excellence in public service. For the first time, in 2009, the Sevottam framework was implemented in 10 departments, including the department of post, department of railways, the passport and pension office, those for food processing, corporate affairs, the CBEC (Central Board of Excise and Customs), the CBDT (Central Board of Direct Taxes), Kendriya Vidyalaya Schools and the Employees Provident Fund Organisation (EPFO). This was the first time that quality management of public service delivery

became an avowed goal of the government, laying down benchmarks for effective and responsive service delivery based on citizen's charter excellence and public grievance redress mechanisms.

Path-breaking citizen's charter laws in Indian states

Despite the less-than-effective central-level citizen's charter mechanism implemented by DARPG, state governments took the lead by enacting their own laws ensuring services to the people, thereby realising the concept of citizen's charters as legally enforceable public entitlements. Madhya Pradesh and Bihar were the first two states to enact laws for the timely delivery of public services, mechanisms for redress of grievances caused either by administrative inaction or delayed action, and the imposition of fines to penalise non-compliant and negligent officials.

The pioneering Madhya Pradesh Public Services Guarantee Act 2010⁸ seeks to improve administrative efficiency in key public services, including the issuing of birth, death and caste certificates and pension schemes, amongst others. The state government also made provisions for the imposition of fines to penalise officials, ranging from INR 250 (USD 4.6) to INR 5,000 (USD 92.47)⁹ per day. In this way it hoped to check delays in the provision of services, amongst other factors inhibiting service delivery to the people.

The State Government of Bihar also joined in this push for accountability and transparency by enacting a similar law, the Bihar Right to Public Services Act 2011, which seeks to transform the public service delivery model. The act initially covered 10 departments providing 50 public services to the people. Like Madhya Pradesh, Bihar also allowed for governance services such as the issuing of ration cards, the redress of land grievances caused either by administrative inaction or delayed action, and so on. Both these initiatives underscore the demand for central- and state-level legislation that formalises the citizen's charter framework.

Institutionalising the right to public services through the internet

In an effort to formalise the right to public services as the essential first step towards overhauling the public service delivery system, a number of initiatives are being taken by the government to incorporate citizens' concerns in the formulation

4 goicharters.nic.in/ccinitiative.htm

5 goicharters.nic.in/cchandbook.htm

6 darpn.nic.in/darpnwebsitecms/Document/file/IIPA_Report_Citizen_Charter.pdf

7 darpn.nic.in/darpnwebsitecms/Document/file/Sevottam_Model.pdf

8 www.mpinfo.org/mpinfo/new/english/articles/2010/291210Sandarbhb14.asp

9 Exchange rate as per date of writing: 1 USD = 53.87 INR (www.xe.com/ucc)

of policy as well as when it comes to maintaining the quality and reliability of services. This can be achieved using various tools; for example, the electronic delivery of government services and mechanisms for citizen grievance redress can cut out the major paperwork and administrative bottlenecks that plague service delivery.

Electronic governance or e-governance is considered an effective tool for improving governance services to ensure transparency and bring about accountability. One of the most important efforts at bringing all government departments together is the national portal, India.gov.in, launched by the government in 2005, which aggregates content from over 5,000 government websites.¹⁰

In a major push towards providing e-governance services in rural regions, the central government launched the Common Services Centres (CSCs) programme in 2006¹¹ with the aim of setting up 100,000 centres in rural areas across the country. The project is enabling rural citizens to access real-time information and various e-governance services such as the payment of electricity and water bills, birth and death certificates, and numerous application forms.

In November of the same year, the Central Vigilance Commission (CVC) issued a circular asking all public departments to put all of their forms on their websites in downloadable formats in an effort to minimise personal contact with officials, which was considered a breeding ground for corruption. To make it more effective and transparent, the CVC also launched a President's Secretariat Helpline¹² so that the public could easily approach them with relevant information (supported by proof) when seeking redress for grievances.

In 2007, a web-based portal, the Centralised Public Grievance Redress and Monitoring System (CPGRAMS) was launched for lodging complaints online. Since then, the portal has connected all ministries and departments of the government, along with about 6,000 subordinate organisations.¹³

Various state governments followed in speeding up the implementation of their e-governance models, such as Andhra Pradesh, which launched AP Online (Andhra Pradesh Online) for improving the government-citizen and government-industry interface; the Rajasthan government launched *Vikas Darpan* ("mirror of development"), and states like Madhya Pradesh, Kerala and Tamil Nadu launched single-window platforms for delivering public services.

Maharashtra was the first state to make it binding on government departments to provide timely e-services. Through its Maharashtra Mandatory Electronic Delivery of Public Services Act 2010 (MMEDPS Act), the state tried to eliminate intermediary officials by providing direct, easy-to-access government-to-citizen services. Focusing on the use of ICTs in the delivery of public goods, the draft Electronic Service Delivery Bill was presented by the central government parliament in 2011. Under the bill, the government has set out a five-year deadline for all public services to develop platforms for online transactions. This includes mechanisms for online complaints that establish penalties to officials if they fail to comply with the provisions.

In this context, it was felt that a rights-based approach should be followed by making the citizen's charter statutory and giving the public the right to receive delivery of services within stipulated timelines.

In 2011, the government reintroduced the Citizen's Charter Bill in the form of the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, which clearly outlines the responsibilities of government departments towards citizens. The bill sets up a central public grievances commission and an equivalent in every state. It also gives authority to government departments to publish a citizen's charter that clearly lists all the services that the departments have to provide, along with timelines. The bill further provides for a "grievance redress mechanism for non-compliance with the citizen's charter". However, the bill is yet to be approved by the central government.

Action steps

India is said to have the third-highest number of internet users in the world, with some 100 million internet users and around 40 million users accessing the internet through their mobile phones. And the number is still rising. At this rate there is growing scope to streamline public services and address citizen grievances. Some of the recommended actions are:

- Essential public services, public utility services, and programmes such as public distribution systems, midday meals in schools, health care for pregnant women, etc., should be integrated online for better implementation, management and impact.
- Along with catering to the needs and interests of specific users and being clear about the commitments to each of them, clear specifications about

¹⁰ Guidelines for Indian Government Websites.

¹¹ www.csc-india.org

¹² helpline.rb.nic.in

¹³ PRS Legislative Research. www.prsindia.org

the timeframe for the delivery of specific services online, and the government level at which they will be delivered, should be mentioned on the state website or on pgportal.gov.in.

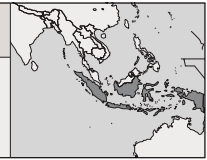
- Moreover, to help citizens raise their voices online, it is necessary to share the service delivery standard commitments and information with the public. Clear information about processes and procedures to access these services should be publicly available, with information about the specific levels at which these services can be found.
- Information on public services must contain details of procedure and avenues for addressing public grievances. This will help citizens vent their grievances and allow government agencies to initiate speedy corrective action. In addition, the timeframe for redressing public grievances, including an acknowledgement of receipt of complaints, should be given on the specific website where the complaint was filed.
- A periodic and systematic review of all public grievances should be undertaken by a public body or commission established for this purpose. It should mention the details of the complaints, the procedure for addressing the grievance, and the result of the complaint publicly on their website.
- In the era of Web 2.0, there is a need to adopt free and open models of knowledge that ensure protection against undue commercial influence over the free flow of information and knowledge.

- There are 245,500 Panchayats (village councils) in India, each covering two to four villages. Each Panchayat office should be internet enabled so that they can be used as Public Citizen Offices (PCOs) to redress grievances at the grassroots.
- Mobile technology can be used to address the grievances of students at schools (1.5 million), universities (196) and colleges (8,111).
- Finally, there is a need for a mobile toll-free number that offers to answer everyday citizen questions about government services.

The deployment of IT infrastructure to provide public services will help with “last mile” connectivity – one of the most difficult stumbling blocks when providing access to citizens. Exploiting the rising number of internet users and platforms such as mobile phones can assist in empowering citizens. Delivering services using ICT infrastructure will have a dual outcome: it will fulfil citizens’ needs and also reduce the number of grievances by doing this. This will also cut down corrupt practices and build trust amongst citizens towards public agencies. Eventually this will make the government more responsive, and bridge the gap between citizens and the administration. In this way, India will achieve the “public good” it aspires to. ■

INDONESIA

NO ROOM FOR BROKEN PROMISES IN AN ONLINE INDONESIA



EngageMedia

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Introduction

This report focuses on one way citizens are beginning to use online video to demand transparency and accountability in the Indonesian democratic process. It tells the story of the short video “Bupati (Tak Pernah) Ingkar Janji”, or “Regents (Never) Lie”, by Bowo Leksono, published on engagemedia.org on 20 March 2012. This video was produced by the Cinema Lovers Community (CLC) of Purbalingga, Central Java.

The video focuses on the real situation for citizens under the governance of the current regent of Purbalingga, Heru Sudjatmoko. It has been used in a local campaign to compare the policy actions and election promises of the elected representatives. The video has won a number of awards and created an immense amount of political discourse in a country where corruption has been the norm for decades. The campaign has been integrated with other online tools and spread nationwide. Similar methods look to be an integral part of the 2014 national elections in Indonesia.

Corruption, collusion and nepotism

It has been 14 years since the end of Suharto’s dictatorship and the beginning of “Reformasi” (Reformation) in Indonesia. One of the boldest demands of Reformation was to end the widespread practices associated with corruption, collusion and nepotism, recognised by Indonesians under the acronym of KKN (Korupsi, Kolusi, Nepotisme), and most clearly associated with the Suharto family’s political practices.

With Reformation came a period of transition with evidence of a more open and liberal political and social environment. Since the first election of a post-Suharto government in 1999, people inside and outside Indonesia have been watching carefully to see if the ingrained culture of KKN could be eliminated from the democratic process. Anti-corruption laws, namely Law No. 31 (1999) and Law No. 20 (2001) on the Eradication of Corruption, as well as Law No. 28 (1999) on Corruption-Free State

Governance were passed. Indonesia also ratified the UN Convention against Corruption in 2006.

Reformation also significantly transformed the 1945 Constitution. One of the fundamental changes is related to the election of regional leaders: governors, regents and mayors. During Suharto’s rule, regional leaders were chosen by local parliaments. The enactment of Law No. 32 (2004) on regional government meant that the election of regional leaders was changed to direct election, which gives each resident the right to vote for their local leader. Now, almost eight years after its implementation, the effectiveness of this law is being questioned. Despite direct election, local leaders are not keeping their promises.¹ Many Indonesians claim that the way campaigns are run, based on corrupt business dealings, is still not democratic, and produces leaders similar to those during the “New Order” of the Suharto regime.²

Many cases of electoral fraud in direct elections have been uncovered; physical violence and intimidation still occur around local elections; riots often occur in certain regions when there are particularly contentious campaigns; and vote buying often takes place in almost all regions.³ The national government this year proposed a bill to change the process of local elections, taking it back to indirect election through local parliament.⁴ This issue has attracted much debate, not only among politicians but also among citizens who still feel they do not have a say in their leadership.

The Cinema Lovers Community demands accountability

One way young people are using technology to participate in this complex issue is through online video. One group, the CLC of Purbalingga, is demanding transparency and accountability by

1 www.engagemedia.org/Members/clc_purbalingga/videos/Bupati-tak-pernah-ingkar-janji.mp4/view

2 Pradhanawati, A. (2011) Kekerasan Politik Dan Kerusuhan Sosial Dalam Pemilukada. *Forum*, 39(2). ejournal.undip.ac.id/index.php/forum/article/view/3151

3 Somba, N. D. (2012) Four dead, Tolikara in chaos as rivals riot in regency election, *The Jakarta Post*, 21 February. www.thejakartapost.com/news/2012/02/21/four-dead-tolikara-chaos-rivals-riot-regency-election.html

4 Faiz, P. M. (2011) Defending the Direct Governatorial Election in Indonesia, *Law Journal*, 9 May. faizlawjournal.blogspot.com.au/2011/05/defending-direct-gubernatorial-election.html

combining video evidence of campaign promises with the stories of people affected by those promises. The CLC Purbalingga was formed in 2006 and holds an annual film festival that is not only about screening new local work, but also includes workshops on documentary filmmaking, researching and creating video databases. It has a broad network of young artists, activists and students in Purbalingga city and includes around 15 independent film/video production houses.

The CLC also runs a programme called “A Gift for Our Beloved City” which is about celebrating their city’s anniversary. In 2010, with the rising debate around local elections, they invited proposals for films that engaged with the topic of local government policies.

In 2010, the CLC began the production of “Regents (Never) Lie”. The filmmaker obtained documentation from a number of cameramen covering the 2010 election campaign. This footage showed the then-candidate for regent voicing a range of promises.

The video is structured around these promises, beginning with “Promises for Workers”, and concluding with “Promises for the Environment”. The soundtrack brings together local folk, punk and hip-hop musicians whose lyrics also point out the discrepancy between political promises and reality. The CLC conducted research for one year after the election, which revealed that none of these promises had been kept. They found evidence of a lack of change for everyday people, despite dramatic political rhetoric. The touching stories of a number of workers of Purbalingga, whose voices are rarely heard during election time, show that these election promises have little to do with real change in people’s lives.

Purbalingga is home to a large number of foreign-owned factories that make it the biggest manufacturer and exporter of wigs and mannequins in Indonesia. Of the 30,000 workers in these factories, 90% are female, according to 2009 data from the Purbalingga Department of Labour. Many of these workers leave school to work in the factories, and up to 30% of them do not receive the standard minimum monthly wage for Purbalingga, which is IDR 818,500 (USD 90). While the regent promised increased wages if elected, many workers in Purbalingga still survive earning well below this minimum. Those who appear in the video say they earn only IDR 100,000 (USD 10) every two weeks. These are amongst the lowest paid workers in Indonesia.

In a concurrent project, the CLC helped groups of Sukasari high school students in the subdistrict of Kutasari to conduct research on working

conditions, and these students found that most of the mannequin factories in nearby areas were using underage workers. This research became the foundation of another CLC video called “Mata Buruh/Workers’ Eyes”.⁵

To give these videos the necessary platform to criticise local government openly, the CLC hosts public screening events, showcasing local culture and opening political discussions. “Regents (Never) Lie” was screened widely in local cafés, at schools, and in makeshift open-air cinemas. The CLC organised discussions, sent thousands of text messages, posted on social media, and blogged furiously.⁶ Soon after, pro-democracy activists across the nation became interested in this as a model for encouraging citizens to demand transparency from their politicians.

Purbalingga’s stories circulate

The CLC’s audience is made up of followers not only in Purbalingga, but also nearby cities like Cilacap and Purwokerto. The collective has been steadily building this following since they first created a mailing list in 2006. The list quickly became popular in Jakarta, where many people from Purbalingga and other places in Central Java have moved to work. The mailing list, which circulates a lot of information in the local Central Java dialect as well as Indonesian and focuses on local political issues, enables the CLC to organise at a national level. CLC videos are regularly screened in Tangerang, a workers’ area of Jakarta, for instance. In addition, the CLC now runs a Facebook group that has over 700 members.

By December 2011, after the video had been in circulation just a few months, the regent was forced to respond to its popularity. He sent a text message to the filmmaker, Bowo Leksono:

Thank you for this exposure which is tendentious. If you are acting in good faith, I think you can leave those who feel they have not had “promises” fulfilled to communicate to me directly. But if you have any other intention, of course that is another story. And if that is so, please just come forward. Thank you.

When the CLC launched the video, they expected some degree of negative reaction from the local government, but not constant surveillance. CLC members say that members have been closely monitored by the police. By the end of December

5 clc-purbalingga.blogspot.com/2011/12/dokumenter-buruh-dibawah-usia.html

6 clc-purbalingga.blogspot.com.au

2012, although the film was not officially banned, the police had begun intervening in its distribution. A community screening in Purbalingga was shut down by local police officers, who said that the CLC had not gained permission for a public event (official permission for such a screening is rare, yet its requirement is often used by authorities to control particular gatherings in Indonesia).⁷

With the video, the CLC has gained access to a wider advocacy network. Now anti-corruption NGOs like Indonesian Corruption Watch help the CLC to screen their videos. Since early May 2012, in response to the video, the Forum for Purbalingga Citizens against Corruption, Collusion and Nepotism (FWPB KKN) has gathered together several civil society organisations to create an organised anti-corruption movement in Purbalingga. The political situation in Purbalingga is now becoming more heated, and mainstream media, such as newspapers and online news media, are digging into the allegations of corruption against the regent.

These efforts connect with other anti-corruption initiatives leading up to the 2014 election in Indonesia. For instance, a recently launched website, korupedia.org – a conflation of “korupsi” (corruption) and Wikipedia – is acting as an online reference tool on the history of corruption, most controversially, by naming corruptors convicted under one of Indonesia’s many anti-corruption or anti-bribery laws put in place since the end of the New Order. The website was created by a coalition of prominent anti-corruption figures and NGOs as well as the technology advocacy group AirPutih.⁸ It gathers background information about individuals convicted of corruption across Indonesia. Activists say that this website will help educate people by providing more data and knowledge about corruption. There is not enough awareness of corruption cases in Indonesia, and cases are quickly forgotten after those found guilty serve light sentences. Many of these corrupt politicians are planning to run in the 2014 national elections. Every corruption case is shown as a red dot on korupedia’s map, not surprisingly with a high concentration in central Java. Politicians in Purbalingga and elsewhere are keen to keep their names off this site.

The government has been forced to respond, and, recently, the regent signed an “integrity pact” for the eradication of corruption, collusion and nepotism.⁹ The pact states that all government officials will only accept earnings from honest activity. While this pact is more like a moral code than a binding legal agreement, the media has publicised it widely, and it is unlikely to be forgotten in the campaigns of the 2014 election.

Conclusion

Corruption is still widespread in Indonesian politics. Data presented by the Commission of Corruption Eradication (KPK) shows that there are ten governors and 158 mayors or regents, currently in office, who have been convicted for corruption.¹⁰

“Regents (Never) Lie” was screened in July at the 2012 South-to-South Film Festival in Jakarta to an enthusiastic audience. Festival directors stated that it was one of the strongest demonstrations of how technology can contribute to activism.¹¹ Hopefully, it is just the beginning.

Action steps

- Watch the video with English subtitles at EngageMedia and share: www.engagemedia.org/Members/clc_purbalingga/videos/Bupati-tak-pernah-ingkar-janji.mp4/view
- Support community filmmakers.
- Contribute to the subtitling of Southeast Asian social justice videos. Join the EngageMedia subtitling team at www.universalsubtitles.org/en/teams/engagemedia
- Share this video with anti-corruption NGOs. ■

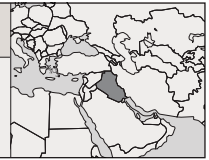
7 Priyatin (2011) Film Dokumenter 'Terpanas' Tahun 2011 'Bupati (Tak Pernah) Ingkar Janji', *KOMPAS Forum*, 28 March. forum.kompas.com/nasional/72968-film-dokumenter-terpanas-tahun-2011-bupati-tak-pernah-ingkar-janji.html

8 airputih.or.id

9 Finesso, G. M. (2012) Bupati Tanda Tangan Pakta Integritas Anti-Korupsi, *KOMPAS*, 15 March. regional.kompas.com/read/2012/03/15/1640566/Bupati.Tanda.Tangani.Pakta.Integritas.Anti-Korupsi

10 Ibid.

11 Indrasafitri, D. (2012) SToS 2012: Movies, meetings and more, *The Jakarta Post*, 25 February. www.thejakartapost.com/news/2012/02/25/stos-2012-movies-meetings-and-more.html



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Introduction

Iraq is divided into two administrative zones: the semi-autonomous Kurdish north with its own regional government, and the rest of the country ruled from Baghdad. Corruption in Iraq should therefore be examined from two sides. By focusing on two recent developments – the increasing difficulties faced by the Commission of Integrity (COI) as a national body that tackles corruption and the apparent suicide of Zana Hama Salih, the former mayor of Sulaimaniyah in Iraqi Kurdistan – we can better understand the pervasive nature of corruption in Iraq at both national and regional levels as well as the problems in using ICTs to fight corruption.

With regards to ICTs, for the COI, the Commission has established an online system whereby ordinary citizens can report on corruption they have witnessed. In the case of Mayor Salih, his death comes in the wake of Kurdistan's version of the Arab Spring, with some of the country's online and social media now speculating about alleged official involvement in his death.

In 2011 the Transparency International Corruption Perceptions Index ranked Iraq 175 out of 182 countries evaluated.¹ The new ranking was a slight improvement over previous years, with the country having been annually placed within the bottom five nations from 2006 to 2010.² Iraq is now tied in the eighth spot with Haiti.

Iraq's Commission of Integrity was established in 2004 as an independent governmental body with the primary purpose of fighting corruption on a national level. Formerly named the Commission on Public Integrity, the body was created by the dissolved Coalition Provisional Authority and enshrined in the Iraqi constitution.

Since its founding, however, the COI has faced increasing levels of difficulties, from changing leadership and legal challenges to harassment and the bombing of its office in December 2011. The problems the COI faces reflect the pervasiveness of corruption

at all levels of society and its crippling effect on the country. As a national authority, the COI referred 1,088 cases of corruption to the courts in just the first three months of 2012.³ However, none of these cases were in Iraqi Kurdistan, which has its own regional government, judicial system and security forces.

Meanwhile, the mysterious death of the former mayor of Sulaimaniyah, Zana Hama Salih, while under arrest in April 2012, is a case study of corruption at the regional level, specifically in Kurdistan, outside Baghdad's control.

As these two case studies illustrate, Iraq faces a difficult if not perhaps untenable political position in the split between the Kurdish north and the rest of the country.

Two regions, but one pervasive corruption problem

The semi-autonomous Kurdish area was one of the by-products of the first Gulf War when the United Nations declared a no-fly zone across the north, providing the Kurds a measure of protection against Saddam Hussein's forces. Since the early 1990s, Kurdistan has been able to develop separately from the rest of Iraq, establishing its own armed forces and parliament, as well as judicial and political systems. With its huge energy reserves, Kurdistan is able to use its wealth to develop economically. Visitors to the region will be able to see gleaming towers, luxury cars and a mostly peaceful existence. Its regional capital Erbil aspires to be the next Dubai.⁴ In the years following the 2003 invasion by coalition forces, Kurdistan never saw the level of violence and civil war experienced in the rest of Iraq.

Across Iraq in 2006, during the height of the sectarian conflicts, an average of 2,382 people died each month from bombs, suicide attacks, gunshots and executions.⁵ Although violence still continues, there has been a huge decline in these deaths since 2006. Iraqbodycount.org, which uses actual verifiable reports of non-combatant (civilian) deaths, lists only 300 people having died in a similar manner in the entire month of April 2012.⁶

1 www.transparency.org/research/cpi

2 www.transparency.org/research/cpi

3 www.iraq-businessnews.com

4 www.guardian.co.uk/commentisfree/2010/may/05/kurdistan-next-dubai-iraq

5 www.iraqbodycount.org/database

6 www.iraqbodycount.org/database

But corruption is now seen as rivalling terrorism in terms of a threat to the stability of Iraq. In February 2012, Iraqi Prime Minister Nouri al-Maliki announced that corruption within governmental circles is a threat equal to terrorism.⁷ In theory, therefore, al-Maliki should be seen as a supporter of the work performed by the COI. However, in practice, he has been at odds with the COI's leadership and agenda. Whether in the Kurdish north, Sunni Arab centre, or Shiite south, corruption is an endemic problem, and perhaps it will take the collective will of all the people to begin true reform.

Indeed, protests online and in the street against official corruption was one of the causes of Kurdistan's version of the Arab Spring in 2011. One of the primary gripes against the ruling tandem of the Kurdistan Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK), the two primary political parties in Iraqi Kurdistan, is that their hold on the political, economic and social fabric of the region is so strong that corruption is woven into the system.

The Commission of Integrity

At the national level, the work of the COI over the last seven years represents a mixed picture of successes and failures. The COI is potentially the greatest single entity that can stem corruption in Iraq with the help of ordinary citizens and the internet.

However, one of the biggest problems for using the internet to fight corruption is the fact that online access, while growing rapidly, is still only available to a small segment of the population in Iraq. The latest available data (2010) revealed that only 2.5% of the population uses the internet and an insignificant number of people have permanently wired broadband connections.⁸ It is likely that growth in internet usage would come from increasing mobile internet access via smartphones and portable devices, as Iraq lacks phone and cable lines common in other countries.

Despite this lack of access, the COI is not shy in encouraging citizens to report corruption. On its website, the COI lists email addresses and phone numbers for its many bureaus across the country (except for areas within Kurdistan).⁹

As mentioned above, the COI referred 1,088 cases to the courts in just the first three months of 2012. According to the COI's investigations in recent years, the Iraqi Defence Ministry had the most staff members accused of corruption while the Ministry

of Interior and Ministry of Municipalities and Public Works were second and third respectively.¹⁰

However, despite its many successes, the COI has been under assault from all quarters since its establishment in 2004. Its first leader, Judge Radhi Hamza al-Radhi, resigned in 2007 and took up political asylum in the United States after death threats and pressure from al-Maliki's office. His enemies deemed him too aggressive in pursuing suspected cases of corruption¹¹—under his administration, the COI had revealed numerous egregious incidents. In a report to the US Congress, for example, he detailed how the Health Ministry was controlled by a militia that stole hospital supplies to buy weapons to fight against the Americans.¹²

A more recent chief of the COI also left in 2011 under pressure. Rahim al Ugaely resigned as head of the COI on 10 September 2011 citing political interference in his bureau's investigation. The COI was investigating members of al-Maliki's political party, in addition to other politicians.¹³ Another former head of the COI, independent Member of Parliament Sabah al Saadi, railed against the removal of Ugaely from the commission. Saadi claimed al-Maliki was forcing Ugaely to create false dossiers that would implicate al-Maliki's political rivals.¹⁴ For Saadi's outspokenness, however, al-Maliki's allies sought to take away his parliamentary immunity and have him arrested.¹⁵ Cross-party accusations of corruption and misdeeds are one way of eliminating political rivals. In December 2011, al-Maliki accused the Sunni vice president, Tariq al Hashimi, of running an assassination team. Hashimi fled to the Kurdish north, outside Baghdad's reach, where he has the protection of the Kurdish leadership.¹⁶

Indeed, while the COI was created to be an independent commission, various political factions over the years have sought to control it. In 2011, the Supreme Federal Court placed the COI under the supervision of the Council of Ministers.¹⁷ Currently the COI's chief must be appointed by the prime minister and will hold ministerial rank.¹⁸ These administrative

7 english.alarabiya.net/articles/2012/02/01/191870.html

8 www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx

9 www.nazaha.iq/en_news2.asp?page_namper=e4

10 www.niqash.org/articles/?id=2804

11 www.nytimes.com/2007/09/07/world/middleeast/07iraq.html

12 www.abajournal.com/news/article/eliot_ness_of_iraq_wins_asylum

13 www.thenational.ae/news/world/middle-east/al-malikis-critics-fear-for-their-safety-after-threats

14 news.antiwar.com/2011/09/12/resigned-iraqi-official-criticizes-malikis-power-grabs/

15 www.thenational.ae/news/world/middle-east/al-malikis-critics-fear-for-their-safety-after-threats

16 www.nytimes.com/2011/12/23/world/middleeast/explosions-rock-baghdad-amid-iraqi-political-crisis.html

17 www.niqash.org/articles/?id=2804

18 www.nazaha.iq/en_news2.asp?page_namper=e2

changes might well mean the COI could eventually lose its bite and become a political tool of the Prime Minister's Office.

This is because despite the many complaints that could come to the COI's office by email or phone, it is ultimately the COI that decides which cases to pursue. Indeed, the COI has itself also been accused of corruption and many of its employees have been exposed and prosecuted.¹⁹ The COI, however, suffered its greatest assault when a bomb hidden in an ambulance went across security barriers and exploded outside its offices on 22 December 2011, killing 23 people. It was Baghdad's deadliest day in over a year, as a series of well-placed bombs killed at least 63 people and wounded 185.²⁰

The role of the media and internet

The struggles of the COI are symptomatic of corruption and problems at the highest levels of government. While numerous online pundits and commentators have discussed these issues, scant internet usage also means that the audience for these discussions is small, mostly only educated middle-class Iraqis or elites.

Whilst television and newspapers remain fairly partisan, one bright media outlet reaching a wide spread of the Iraqi population that encourages free speech and criticism is Radio Dijla, Iraq's most popular talk radio station. Broadcasting terrestrially and via Hotbird satellite, Radio Dijla also has a web presence where listeners can find webcasts as well as a smartphone app to hear the programming anywhere in the world.²¹

Listeners call in during its numerous chat shows to gripe about politics, corruption and whatever else is on their mind. Founded in Baghdad in the months following the US invasion, its head office was destroyed by around 80 heavily armed insurgents on World Press Freedom Day (3 May) in 2007. Radio Dijla subsequently moved its main office to Sulaimaniyah in Iraqi Kurdistan to continue its popular broadcast and programming.

The tangled web of corruption in Kurdistan

The regional example in this report focuses on one case of high-level corruption in Sulaimaniyah, one of the most important cities in the north and the bastion of political activism in Iraq. Soon after the US invasion, long-time rival parties, the PUK and KDP, organised a truce and began a power-sharing

agreement in Kurdistan. This arrangement led to a stagnant state of affairs in the region, whereby certain political families and their associates continued to acquire substantial wealth and power.

In the spring of 2011, activists in Sulaimaniyah, inspired by their counterparts in the Middle East and North Africa (MENA), began daily protests and occupations of important streets. The protestors, expressing their grievances both online and in the streets, were demanding the dismantling of the tandem political system, with rampant corruption and power concentrated in too few hands. A third party called Gorran (Party for Change) had emerged to challenge this two-party arrangement. On numerous occasions, the security forces came out to clash with the protestors and even killed several of them.

Eventually the protest movement lost its steam with the crowds going home as the ruling politicians in the late spring of 2011 agreed to hold formal discussions with protest leaders. It is in this context that the death of the mayor of Sulaimaniyah ought to be considered.

On 8 April 2012 the mayor of Sulaimaniyah, Zana Hama Salih, was arrested by Kurdish security forces after being asked to provide evidence for a corruption case which first emerged more than six years ago. That case involved a land deal worth half a billion dollars. Mayor Salih was held in detention, accused of having taken a bribe in the property deal. His family and many supporters came to the detention centre to protest his arrest. Six days later, he was found hanged to death while in custody, a case of apparent suicide.

The Kurdish online world exploded with accusations and protests. Salih's wife spoke to the press, accusing Kurdish officials of arranging his death.²² The family had met with him shortly before he died and he apparently expressed no psychological distress that would lead anyone to conclude he would soon kill himself. Instead, as his wife explained, Salih was determined to prove his innocence and had evidence to show that other officials were implicated in a corrupt land deal.²³ The speculations online suggest that had the judicial case moved forward, Salih would have had the opportunity to expose corruption among high-ranking officials and his killing was a way to silence him.²⁴

More than a month after his death and after a completed investigation, an official report still

19 www.niqash.org/articles/?id=2804

20 www.nytimes.com/2011/12/23/world/middleeast/explosions-rock-baghdad-amid-iraqi-political-crisis.html

21 www.radiodijla.com

22 www.ekurd.net/mismas/articles/misc2012/4/state6150.htm

23 www.ekurd.net/mismas/articles/misc2012/4/state6150.htm

24 www.aknews.com/en/aknews/3/301887

insists that Salih killed himself.²⁵ Despite their limited audience, Kurdish blogs and social media pages play a role in keeping his mysterious death on the forefront of Kurdish political debates.²⁶ Salih's family appealed to the central government in Baghdad to intervene in the investigation.²⁷ What consequences his death will have in the future fight against corruption as well as in Kurdistan's relationship with Baghdad is still unclear.

Conclusions and action steps

There are a couple of key conclusions one can draw from these case studies.

Corruption is pervasive at all levels, including the highest levels of officialdom. ICTs can be a tool for delivering news and messages, and for organising protests – but the internet is not yet fully effective as a mass medium due to low levels of usage among Iraqis.

The use of ICTs to fight corruption in Iraq cannot be considered entirely successful, and therefore as in other countries in the MENA region, activists using social media and blogs have to connect with other forms of media to get their messages across to a wider audience.

Although ICTs are not fully tapped as a tool for activism, there are advocacy or action steps that can be taken.

Activists using ICTs to fight corruption should consider plans to:

- Encourage Iraqis to document corruption whenever possible with evidence that can be placed online.
- Not rely on government-led initiatives to fight corruption. Rather, activists and NGOs should create their own forms of corruption exposure, in whatever format deemed necessary, to create public outrage, which in turn shames the government into action.
- Use the internet as a tool, but also connect with other traditional media that can relay and disseminate the information they place online to a wider public.
- Realise that most Iraqis do not currently have access to the internet using a computer, and that if activists want to reach them, they should consider propagating their messages via increasingly popular smartphones, using apps and other phone tools.
- Make fighting corruption a priority because this malignant force is an obstacle to any progressive changes that NGOs and activists seek.

Activists should therefore connect with the ordinary public, encouraging them to see corruption as a problem that hurts them also. The aim here is to draw in members of society who normally do not participate in political reform. Only a collective stance against corruption can change Iraq. ■

²⁵ www.rudaw.net/english/kurds/4733.html

²⁶ kurdishobserver.blogspot.co.uk

²⁷ www.rudaw.net/english/kurds/4733.html



NEXA and Eurovisioni

Andrea Cairola, with support from Juan Carlos De Martin, Giacomo Mazzone and Arturo Di Corinto
nexa.polito.it and www.eurovisioni.it

Introduction

Italy has widespread corruption, estimated at about 60 billion euro by official sources,¹ mostly occurring in the infrastructure sector, public procurement (especially in the health sector), the privatisation of state properties and utilities, licences for public goods and services, and real estate development. Italy is one of the worst performing European Union (EU) countries on Transparency International's Corruption Perceptions Index.² Furthermore, observers often refer to "legal corruption", that is to say, resources and privileges given to political parties as well as to elected officials without any reasonable requirement for minimum accountability. Such a phenomenon is widely considered by the public as "immoral" and as a hidden form of corruption, although formally it is not illegal.³

In this context, over the past three decades all the attempts to eradicate endemic corruption through judiciary actions or popular initiatives have failed. But in recent years the internet seems to have offered a new tool and hope to the popular opposition fighting against corruption – and a unique political and social movement has formed thanks to the potential of new information and communications technologies (ICTs) and the web.

It all started through the unusual partnership between a science-fiction and internet expert and a popular comedian, resulting in the creation of what became the most popular and influential Italian blog: www.beppegrillo.it. The blog acted firstly as a powerful catalyst for anti-corruption activism

and street rallies, involving hundreds of thousands of participants; and then as a platform for triggering what we could now call an Italian version of the Pirate Party: the Five Star Movement ("Movimento 5 stelle"). This movement has been created around a programme against corruption, and during the latest administrative elections (May 2012) it became the third-largest political entity in the country.

Policy and political background

Historically, the massive corruption since World War II (which could count as having important precedents going back all the way to the unification of Italy in 1861)⁴ was mainly due to two factors:

- The organised crime rooted in several Italian territories (first of all the Mafia in Sicily, but also Camorra, Ndrangheta and Sacra Corona Unita in other regions of southern Italy, and expanding into a white-collar criminality pervading the more industrialised areas of central and northern Italy). Organised crime's network of power contaminated both politics and the public administration, again, against a historical background of continuity between the ruling class and criminality that has no parallel in other European countries.⁵
- The lack of political change due to the four-decade-long rule by a centre-right coalition, opposed to one of the strongest Communist parties in Western European democracies.

In the early 1990s, with the end of the Cold War, a wave of judiciary investigations on widespread corruption, named operation "Clean Hands", swept away the previous political setting. However, this political reshuffle did not bring a real improvement in the fight against corruption⁶ because the political forces that emerged from the change reinstated the same bad governance practices of their predecessors. They also embarked on a series of legal reforms of crimes against public administration that obstructed the work of the judiciary, guaranteeing de facto impunity to perpetrators of corruption,

1 Corte dei Conti (National Auditors Office) (2012) Declaration by Presidente della Corte dei Conti Luigi Giampaolino, 17 February.

2 Italy is ranked 68th out of 183 countries on the index. www.transparency.org

3 *La casta. Così i politici italiani sono diventati intoccabili* (The Caste: How Italian Politicians Became Untouchable) is an Italian book written by Sergio Rizzo and Gian Antonio Stella, two journalists from the Italian national newspaper *Corriere della Sera*, detailing the amount of graft and corruption in Italian politics. It was published in 2007, and became a bestseller with more than 1.3 million copies sold and 28 reprints. The *International Herald Tribune* described it as a book that "grabs attention by depicting Italian politicians as greedy and self-referential."

4 Garrone, A. G. (1996) *L'Italia corrotta 1895-1996: cento anni di malcostume politico*, Editori Riuniti.

5 See, e.g., Scarpinato, R. with Lodato, S. (2008) *Il ritorno del Principe*, Chiarelettere.

6 Della Porta, D. and Vannucci, A. (1999) *Un paese anormale: come la classe politica ha perso l'occasione di Mani Pulite*, Laterza.

either by decriminalising specific behaviours (e.g. false accounts reporting) or by creating shorter terms under the statute of limitations.

The story of www.beppegrillo.it: How it started

One day in early 2005, two very different personalities met: an internet expert, Gianroberto Casaleggio, and a popular comedian, Beppe Grillo.

Casaleggio was CEO of an ICT-savvy web consultancy that had developed a free-to-view online table mapping Italian conflicts of interests in the finance and private sectors, tracking down cross-sector positions of individuals sitting on the boards of corporations, as well as on the boards of their controlling companies or banks giving them loans. While Grillo was then a very popular comedian, he had been excluded from both the public and commercial television stations since he had, during a popular TV programme, outspokenly and ironically denounced the endemic corruption in politics.⁷ In those days Grillo was touring in theatres with a show denouncing corruption and turbo-capitalism, and also smashing a computer in each performance, portraying it as a tool of globalisation which was detrimental to people's welfare and social justice.

2005: The creation of the blog

Casaleggio met Grillo and offered him a different view on the potential of ICTs for social and behavioural change. Following a reportedly lively discussion, Casaleggio convinced Grillo not only not to publicly smash computers, but even to use ICTs to become a blogger. The blog www.beppegrillo.it was launched in 2005, soon to become a reference for free expression in the claustrophobic Italian media environment dominated by Berlusconi-owned television stations and by RAI – public service television channels under his control – as well as by a print press heavily influenced by major corporate powers. After three years, [beppegrillo.it](http://www.beppegrillo.it) was the most popular blog in Italy, with an average of 200,000 thousand unique visitors a day,⁸ and one

of the most influential blogs according to a ranking prepared by *The Guardian*. Nowadays, the blog has more than 620,000 followers on Twitter, and is topping the global social media charts (920,000 “Likes” on Facebook) in addition to 95 million downloads on YouTube.⁹

2007: Activism moves from the blog to the streets

Until 2007, Grillo continued to perform in commercial theatres, and to maintain the blog as a side activity and on a voluntary basis. In September 2007, he decided to try mobilising his web followers, and through his blog they organised a rally in Italy's main towns, called “V-Day”,¹⁰ with the “V” standing for vendetta, vengeance and “vaffanculo” (Italian for “fuck off”). During the rally, Grillo took to the stage in Bologna and projected the names of two dozen Italian politicians elected in the parliament who had been convicted of crimes ranging from corruption to tax evasion and perjury. It was estimated that more than one million Italians participated in this rally.

Looking out over the crowd in Bologna, Grillo said, “We are part of a new Woodstock. Only this time the drug addicts and sons of bitches are on the other side!” Grillo also used this rally to urge Italians to sign a petition calling for the introduction of a popular initiative bill for a “Clean Parliament” and to remove members of the Italian Parliament who have criminal convictions of any kind from office. He concluded by observing, “We’ve managed to do something that will make history.” And he may be right, since that was probably the largest popular rally organised using the internet in Italy. It was followed by a couple of other national rallies not organised by Grillo's movement, but organised using the internet and attracting a similar level of participation. One of these was promoted by “Popolo Viola” (Purple People) on 5 November 2009 to protest against Berlusconi's control over the Italian media. Several other smaller local events were organised using the “Meetup” online social networking portal that facilitates offline group meetings in various localities around the world. As part of this trend of activism using the internet, hackers have also produced online tools to support anonymous whistleblowing in the fight against corruption and tax evasion.

7 In 1987, during the Saturday night TV show *Fantastico 7*, Grillo attacked the Italian Socialist Party and its leader Bettino Craxi, then Italy's prime minister, on the occasion of his visit to the People's Republic of China. Grillo cracked, “If the Chinese are all socialists, who do they steal from?” en.wikipedia.org/wiki/Beppe_Grillo

8 But these figures are very arguable, because no official measurement of blogs is currently made in Italy. According to www.beppegrillo.com the blog has more than 5.2 million visitors per month, 80 million visitors on its YouTube channel (second in Italy after RAI in the category of News and Politics), 575,000 subscribers on its page on Facebook, 80,000 followers on Twitter, and 500,000 subscribers on the mailing list for its daily newsletter (according to a post published on 13 April at 14:58). The last available data provided by Technorati in 2008 estimated 7.5 million unique visitors per month (250,000 per day).

9 Source: Osservatorio Fullsix, May-June 2012, published on *Panorama*, 1 August, p. 23.

10 For an analysis of the media coverage of the event, see Pepe, A. and Di Gennaro, C. (2009) Political protest Italian-style: The blogosphere and mainstream media in the promotion and coverage of Beppe Grillo's V-day, *First Monday*, 6 December. firstmonday.org/htbin/cgiwrap/bin/ojs/index.php/fm/article/view/2740/2406

2010: *The foundation of a movement*

In 2010, Grillo and his online and offline followers decided to scale up their social and political engagement, and started the Five Star Movement. Grillo said, “The spirit of the Five Star Movement can be summarised in two words: transparency and participation, both possible thanks to the diffusion of the internet.” The five stars represent the five basic points of the shared programme developed through online consultation: water, environment, transport, connectivity and growth. Grillo has stated on several occasions that he has no desire to be a leader and to be elected, but only to join, using the internet, people who believe in ideals like honesty and direct democracy.

2011-12: *Electoral success for the Movement*

In 2011, the first candidates for the Five Star Movement ran for office in local elections, chosen using participatory online mechanisms. And the Movement gained the first 30 elected positions in municipal, provincial and regional governing bodies with a percentage at the national level averaging 4% of the vote. Newly elected officials from the Movement piloted a number of online transparency mechanisms, such as sharing administrative working documents on the web, or webstreaming their activities in local elected councils. In May 2012, 101 of the 941 cities in Italy had candidates from the Movement.

Grillo said that the main purpose of the Movement’s commitment to participation was to “take away money from politics.” And he repeatedly said that with no financial gain, “politics becomes about passion.” In the 2012 local elections, the Movement achieved an electoral high point, with a national average of 10% of the vote – with peaks of up to 60% in some cities, including the election of the mayor in Parma, a provincial capital. During the writing of this report (mid-July 2012), polls predicted a potential result for the Five Star Movement ranging from 10% to 25% in the next parliamentary elections, to take place in Spring 2013 (if not earlier, because of the economic and political crisis).

It is too early to say whether this political success of the Movement will translate into concrete and effective actions to address and successfully tackle the endemic corruption. But at least it is an unprecedented attempt to change established bad practices, an attempt which has been catalysed through the web.

Conclusions

The Five Star Movement is regarded by some foreign observers as an Italian version of the Pirate Party that exists in some northern EU countries

(even if there is now a much smaller political group defining itself as the Italian Pirate Party). In reality the Five Star Movement has some peculiar features and differences that distinguish it from the European Pirate Parties, such as being formed around a well-known public figure, as well as using the issue of fighting corruption in politics as a catalyst. Grillo referred to the Movement as a kind of “hyper-democracy” that has been enabled by the internet. In a book of essays he co-authored with Casaleggio entitled *Siamo in guerra* (We Are at War), they theorised that “with the web the barrier between the citizens and the institutions can be overcome,” and that ideas count more than money on the internet. The hope is that direct management by citizens in the public sector will replace the mechanisms of delegating to elected officials, which has fostered decades of widespread practices of corruption. Casaleggio, a science fiction expert, theorised that there is a sort of war between the “old world” and the new connected world, and the latter will ultimately prevail, with a public administration managed through a collective intelligence enabled by the web, which would be able to minimise corruption and misgovernance.

Action steps

The popularity of an individual artist combined with the social networking power of the internet can be critical assets for aggregating a popular anti-corruption movement. In this case the success also depended on the blog’s content, which needs to have a groundbreaking quality that meets the expectations of its readers so that it functions as an effective vehicle for collective action, while it is up to the “followers” to self-organise effectively to create concrete political actions and proposals for achieving change.

The artist – or any campaign leader – and the supporters should be ready to be scrutinised in their personal life, including their earnings, properties and private relationships. The popular figure acting as a catalyst and the movement’s elected official will have to reiterate publicly numerous times that they have no personal interest in the cause, stand to make no personal economical gain, and have no ambition to destabilise democracy, but that their motivation is just to want to honestly improve things, in the framework of the democratic setting.

Activists should be prepared to be attacked by those who are part of the “old” corrupted system and do not want change. The enemies of transparency and the law will attack the personalities to delegitimise the movement, and they will promote alleged conflicts of interest. Any movement’s members will

be accused of a lack of expertise and knowledge to undermine their claims, as well as of having hidden agendas and being guided or influenced by others.

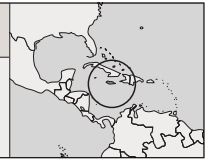
Activists should be ready to tackle these allegations, again using the transparency enabled by the internet, which should also be used to create expertise-based, participatory and meritocratic selection mechanisms for their representatives and elected officials.

Finally, the movement will have to deal with the precise role – and powers – of the leader of the movement. In the case discussed above, Grillo in

some cases appeared to have the last say in important decisions and is also the owner of the official trademark of the movement. The precise role and power of Casaleggio is also increasingly under scrutiny within the movement. In other words, this movement born from the web and now transformed into a political force is suffering from the typical problems of any strong and ethical civil society-based movement when it enters into the political arena: it finds it difficult to mediate the various conflicting interests that characterise the politics of modern and complex societies. ■

JAMAICA

PROMOTING ONLINE ADVOCACY IN JAMAICA'S FIGHT AGAINST CORRUPTION



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Introduction

In 2011, Jamaica received a score of 3.3 (with 0 being highly corrupt) on the global Corruption Perceptions Index published by Transparency International. While the country continues to enjoy stable government and growing inward investment, corrupt practices have been reported in the public and private sectors, with the country being ranked 86th of 183 countries surveyed globally. Ranking in this problematic range has been assigned to Jamaica for several consecutive years.

It is well documented that corruption as well as the perception of corruption in government and private sector institutions place a great burden on a country's ability to experience social and economic advancement and to compete ethically and successfully in the global space.¹ In Jamaica, as with other such challenged economies, various activities including the forming of advocacy groups and watchdog institutions, as well as legislative reform, have taken place in the past few years in an effort to tackle the issue of corruption.²

The media have come to be regarded as one of those sets of institutions with a formidable role in combating corruption.³ In addition to traditional forms, new media are now contributing to the democratisation of access to information, as well as its creation, consumption and use for advocacy on socio-political issues such as corruption. This has effectively altered the coveted "gate-keeping" and public "agenda-setting" roles usually ascribed to traditional media.

At the same time, a new relationship is emerging between these Web 2.0 media platforms and their traditional media counterparts. While

newspapers, for example, sometimes rely on less encumbered online sources for "cutting edge" news exposés, the new media entities also often count on the long-established traditional media institutions to provide credibility and critical analysis of their web-generated news content. This was evident in the relationship between the whistleblowing site WikiLeaks and a number of traditional news organisations, including the *Jamaica Gleaner*.⁴

It is against this background that this report examines the use of online and social media news outlets in discussing transparency, new media and good governance in Jamaica. With the rise of the networked economy and the transformational role of the internet, we have seen a rise in these "new media" platforms which challenge the traditional modes of media operation while creating opportunities to engage in new and innovative ways of exposing issues of corruption and promoting transparency and good governance. At the same time, traditional media remain important because of the relatively low levels of internet access, estimated by University of the West Indies (UWI) researchers to be below 30% for households in Jamaica in 2010.⁵

Background: Politics and policy

The history of corruption in Jamaica is well documented through qualitative and quantitative studies such as those of the Carter Center, the United States Agency for International Development (USAID) and the Caribbean Policy Research Institute (CaPRI). As in many other countries, the linkage between corruption and the political culture is well known. Unethical elements within political parties often form corrupt partnerships for their mutual benefit, including around issues of contracts and procurement, contributions to political parties, and in the securing of needed votes at times of elections.⁶

Policy and legislative reforms over the years have sought to address these issues. These have

1 Neuman, L. (ed.) (2002) *Fostering Transparency and Preventing Corruption in Jamaica*, The Carter Centre. www.cartercenter.org/documents/1038.pdf

2 USAID (2008) *Corruption Assessment of Jamaica*. www.acb.gov.jm/pdf/USAID%20-CorruptionAssessmentofJamaica2008.pdf

3 Munroe, T. (2011) *The Role of the Media in Combating Corruption and Strengthening Governance*. www.cba.org.uk/wp-content/uploads/2012/03/110718_Roleofmedia.pdf

4 Dunn, H. (2012) 'Something Old, Something New...': *WikiLeaks and the Collaborating Newspapers - Exploring the Limits of Conjoint Approaches to Political Exposure*, forthcoming 2013.

5 Dunn, H., Williams, R., Thomas, M. and Brown, A. (2011) *The Caribbean ICT and Broadband Survey Jamaica*, Telecommunication Policy and Management Programme, University of the West Indies, Mona.

6 Waller, L., Bourne, P., Minto, I. and Rapley, J. (2007) *A Landscape Assessment of Political Corruption in Jamaica*, Caribbean Policy Research Institute (CaPRI). www.capricaribbean.org/sites/default/files/text/Corruption%20Report.pdf

included the passing of the Corruption (Prevention) Act, 2001, the Access to Information Act, 2002, the Proceeds of Crime Act, 2007 and the Protected Disclosure Act, 2011. While the media in Jamaica are generally considered to be free, there are worrying issues, highlighted by the national regulatory Broadcasting Commission of Jamaica, which concern the practice of “payola” in the on-air music selection processes, involving broadcast personnel engaging in unauthorised and secret pay-for-play deals with corrupt artists and music producers to the detriment of others artists and producers of high-quality music. At the same time, the media sector plays an important role in questioning government policies and practices, and radio talk show hosts in particular provide a forum for the avid participation of citizens, contributing to government accountability and transparency. To the credit of the government, the restrictive Official Secrets Act was replaced by the Protected Disclosures Act in 2011, thereby enhancing the flow of information through both the traditional and new forms of media.

Fighting corruption online in Jamaica

The rise in social networks has promoted collective action and campaigning by widening awareness and creating what has been referred to as a “cognitive surplus” through increased access and collective creativity.⁷ There is growing evidence of the impact of the internet in general and social media in particular in exposing corruption in Jamaica. New media have helped to provide additional information to key communities of interest and to the general population about issues of accountability and public probity.⁸ Jamaican and Caribbean society has demonstrated a need for information at a faster pace than the timeline of traditional news cycles.

Both of the major newspapers in Jamaica, the *Gleaner* and *The Observer*, now have very active online editions which facilitate faster and more direct interaction with the part of the population with internet access. Increasingly, the most important breaking news is published online on the websites of these newspapers before the print editions. In addition to websites, traditional media also engage in the use of social media such as Facebook and Twitter to present and discuss issues reported in the news.

7 Shirky, C. (2010) *How Cognitive Surplus will Change the World*. www.ted.com/talks/clay_shirky_how_cognitive_surplus_will_change_the_world.html

8 Bekri, D., Dunn, B., Oguzertem, I., Su, Y. and Upreti, S. (2011) *Harnessing Social Media Tools to Fight Corruption*, London School of Economics and Political Science. irevolution.files.wordpress.com/2011/05/harnessing-social-media-tools-to-fight-corruption-1.pdf

The case of *On the Ground News Report*

Apart from the traditional media presence, sites such as *On the Ground News Report* (OGNR) have sprung up in recent times in response to this growing trend of rapid online information consumption. OGNR is an entirely internet-based news provider that was initially established on Facebook in May 2010 as Jamaica’s first social media news network. It was established in response to the perceived lack of rapid news availability during times of unrest in Jamaica.⁹ The timing of OGNR’s start-up is related to a major news flare-up involving the eventual arrest, extradition and conviction of local gangster Christopher “Dudus” Coke, who was wanted by the United States (US) for various criminal offences. Coke was linked to a range of criminal and corrupt networks in the country and was becoming of increasing international interest, especially for Jamaican diaspora communities in the US, Canada and the United Kingdom.¹⁰ During this time of great unrest in the nation, OGNR – with its tag line, “Fast, Accurate, Concise Citizens Journalism” – opened up reports on this episode to a global online audience, including mainly young Jamaicans and attentive Caribbean citizens in the diaspora.¹¹ In addition to reporting news from its online “reporters” on the ground, it provided access to news from the traditional media, both in Jamaica and abroad, including from the *New York Times*, the *Guardian* newspaper, and *The Economist*.

It was estimated that there were about 429,160 Facebook users in Jamaica in 2010 and reports indicate that the number has continued to grow at a fast pace. The latest estimate by monitors at *Silicon Caribe* suggests that just over 690,000 Jamaicans were on Facebook in 2012.¹² According to Internet World Stats, there were approximately 1.58 million users of the internet in Jamaica in 2010.¹³ This would represent access by close to half of the national population to internet from all sources, including the mobile phone and not just in the household. UWI studies in 2010 indicated that the majority of

9 Murphy, X. (2010) Interview with the founder of OGNR. www.jamaicans.com/articles/primeinterviews/InterviewOnTheGroundNewsReports~print.shtml

10 Freedom House (2012) *Freedom in the World 2012 - Jamaica*. www.unhcr.org/refworld/docid/503c722c2d.html

11 Paul, A. (2010) Why is Dudus called Dudus?, *Active Voice*, 28 June. anniepaulactivevoice.blogspot.com/2010/06/why-is-dudus-called-dudus.html

12 Riley, I. (2011) Over 500,000 Jamaicans now on Facebook... ohh yeah!, *Silicon Caribe*, 23 January. www.siliconcaribe.com/2011/01/23/over-500000-jamaicans-now-on-facebook-ohh-yeah

13 Internet World Stats (2010) Usage and Population Statistics – Jamaica. www.internetworldstats.com/car/jm.htm

persons on the internet were those in the 15-34 age group and that a great proportion of time is taken up using social networking sites.¹⁴

Overall then, both online and traditional news networks provide the opportunity to obtain news from diverse sources, with new media outlets providing a useful means for engaging in exposing corruption and helping to build a participatory democracy.

Online-linked anti-corruption agencies

In addition to news organisations, a growing group of anti-corruption entities have emerged in Jamaica and have some measure of an online presence. Many of these agencies are visible through websites and portals, online flyers and news releases, debate threads in social media networks such as Facebook, LinkedIn, Twitter and Blackberry Messenger (BBM), and by way of short video clips on YouTube. Some specific Jamaican anti-corruption entities with an online presence are:

- National Integrity Action Limited (NIAL)
- Citizens Action for Free and Fair Elections (CAFFE)
- Jamaicans for Justice (JFJ)
- Office of the Contractor General (OCG)
- Broadcasting Commission of Jamaica (BCJ)

All five websites provide crucial information and education on access and disclosure issues, anti-corruption measures, and legislation and practices, while encouraging citizen advocacy. Of the five entities surveyed, all but the Office of the Contractor General also have a social media presence on Facebook. The level of participation on the majority of these sites is vibrant, suggesting the growing use of social media as a source for information and education, and the agencies' web presence as emergent spaces for new engagements on corruption and similar socio-political issues.

News outlets and anti-corruption organisations with their online presence offer low-cost environments and dedicated outlets for the rapid diffusion of information. In the more traditional settings, dissemination is slow, and more rigidly regulated. Further, online environments can be viral in nature, while providing anonymity, aggregation, interactivity and instantaneity.¹⁵ They also offer what Bakshy et al. refer to as the power of "weak ties"

in a networked society, which have more access to diverse, mutually exclusive and novel information.¹⁶ OGNR, for example, did not constitute a network of Facebook friends, but rather a section of mutually exclusive citizens that craved participation in Jamaica's democracy in more rapid and interactive ways. These weak ties allowed for diffusion of information which would otherwise not have spread so widely. This kind of "fast" online journalism and information consumption means that information on corruption and other activities can get to the populace in its original form at a faster rate than the traditional media could have made it available.

At the same time, news entities, whether traditional or based on social media, all strive to remain credible so as not to become purveyors of rumour or misinformation. Some of the online outlets face journalistic and ethical challenges about what to publish and when. These challenges provoke discussion on how this new form of online journalism outlets can avoid becoming sources of social pathologies themselves. They also engender discussion as to whether the traditional ethical codes of media are suitable for these new forms of media engagement, or what alternative deontological guides will be appropriate. The question remains how we can ensure the maintenance of ethical and quality journalism which is necessary in the fight against corruption while welcoming and encouraging the growth of new online outlets and the speedy dissemination of anti-corruption information and analyses.

Conclusions

The report examines the growing but still limited presence and impact of online sources of information and news on corruption in Jamaica. It highlights the need for expanding online news dossiers on corruption, including the provision of information which may not otherwise have been made available to the general public. We also highlight the increasing tendency of traditional anti-corruption agencies in Jamaica to be more engaged with the citizenry via new media online.

These sources have assisted in filling an information/participation gap in the fight against corruption. However, as with other organisations like WikiLeaks, continued success in exposing issues of corruption in government and the private sector will depend to a large extent on the conjoint relationships between the old and new media and

¹⁴ Dunn et al. (2011) op. cit.

¹⁵ No Bribe Corruption Free India (2010) Why Social Media Can Fight Corruption, 27 May. www.nobribe.org/why-social-media-can-fight-corruption

¹⁶ Bakshy, E., Rosenn, I., Marlow, C. and Adamic, L. (2012) *The Role of Social Networks in Information Diffusion*, International World Wide Web Conference Committee. www.scribd.com/doc/78445521/Role-of-Social-Networks-in-Information-Diffusion

between civil society organisations and government watchdog agencies. This new media landscape provides outlets for citizen journalists, often young persons who may not otherwise have a voice in the country's quest for democracy. The online anti-corruption channels create an invaluable connection between the local community and the global diaspora and provide information to those who do not use traditional outlets.

Social and other online media can function most effectively as tools for transparency in national affairs when there is an anti-corruption legislative and policy framework and citizens who demand greater probity from their leaders, private sector investors and activists.

Action steps

Clearly, the fight against corruption in Jamaica will require close partnerships between the private and public sector, civil society and the media in all their forms. It is also clear that social media through the internet have a real role to play in shaping democracy through exposure, education, consultation, and by serving as a catalyst for investigation and action. Accordingly, it is recommended that:

- Civil society should expand its reach using emerging technologies and social networks in providing information to the public while advocating for increased transparency and accountability.
- Anti-corruption websites and social news media outlets should seek to increase their role and advocacy both in and out of crisis situations.
- Online citizen media should become more active in exposing inept governance practices.
- These outlets must continually seek to improve their professional quality to reflect the tenets of good journalistic practices, adapted to the speed and flexibility of the information age.
- New and traditional media should continue to interact as channels of exposure and information, especially in societies where internet penetration remains limited. ■

JORDAN

THE INTERNET: A CRITICAL TOOL IN EXPOSING CORRUPTION



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Introduction

Jordan is a small kingdom with less than seven million people in a turbulent region – the Middle East. It is surrounded by big states: Syria to the north, Saudi Arabia to the south, Israel and Occupied Palestine to the west, and Iraq to the east. Jordan allocates more than 25% of its annual budget to security. In such a turbulent region, the executive branch of government has relied on the General Intelligence Directorate (GID), best known by many foreigners as the CIA of Jordan. The GID has been a major player in everything that occurs in the country.

In such a situation ex-GID General Sameeh Bateekhi used to describe himself as the second man in the country (the first being the King). Bateekhi was prosecuted by a military committee at the GID and was convicted of corruption in 1994. He was put under house arrest for four years, and ordered to compensate the government in the amount of USD 24 million.¹ His story was made public by the traditional media – but since the dawn of the internet, how has it been used in the battle against corruption?

Policy and political background

Jordan scores high levels of corruption in Transparency International's annual reports. Many donors, creditors and investors know from their experience and from other countries that corruption is a major hindrance to their goals. Political activists, legislators and young demonstrators who want jobs believe that corruption is a big problem in Jordan. Even the King himself has often emphasised in his speeches the importance of fighting and reducing corruption. In these circumstances, and as a political gesture, Jordan signed the United Nations Convention against Corruption (UNCAC) on 9 December 2003 and ratified it on 24 February 2005. In the same year, it stepped up the fight against

corruption and adopted, in 2006, the Anti-Corruption Commission Law² which criminalises, *inter alia*, bribery.

As far as the investigation of corruption-related offences is concerned, the Anti-Corruption Commission (ACC) may investigate any corruption case on its own accord or based on information from any party. The ACC also has the right to seize property, impose travel bans, and suspend suspects from work without pay. While the ACC is a new agency that only became operational in 2008, it is noteworthy that in the first ten months of 2008 it examined 465 cases and transferred 82 cases to the courts or other relevant institutions. In 2009, it examined 834 cases and in 2010, 890 cases.³ The New Amendment of the Anti-Corruption Commission Law protects whistleblowers.⁴

Mandated by this new law, ACC developed a National Anti-Corruption Strategy for 2008-2012 to combat corruption and pursue its perpetrators. The main pillars of the Jordanian legal framework to address corruption are the Penal/Criminal Code, the Anti-Corruption Act, and the Anti-Money Laundering Act.

Jordan confirmed the criminalisation of the conduct of illicit enrichment through the Financial Disclosure Law of 2006, which prescribes criteria for declaration of assets and sanctions for failure to declare assets. However, the law applies only to high-ranking officials.

Corruption and the battle with online news

Several years after the Bateekhi case, history repeated itself. General Muhammad Dahabi, who served as GID director from 2005 to 2008, during the time his brother Nader Dahabi was the prime minister of Jordan (2007-2009), was accused of money laundering, embezzlement and exploitation of public office.⁵ General Dahabi is implicated in a case involving between JOD 30 million and JOD 50 million (USD 42 million to 70 million) during his service, and the General Prosecutor ordered his assets to be frozen.

1 www.aawsat.com/details.asp?section=4&issue=8991&article=181201&feature=/details.asp

2 www.lob.gov.jo/ui/laws/search_no.jsp?no=62&year=2006

3 www.unodc.org/documents/treaties/UNCAC/COSP/session4/V1186371e.pdf

4 www.lob.gov.jo/ui/laws/search_no.jsp?no=62&year=2006

5 en.ammonnews.net/article.aspx?articleNO=15657

The probe into the allegations in the Dahabi case is part of a wider anti-corruption campaign, an effort that has gained momentum lately under pressure from hundreds of pro-reform protests that have been calling for an end to corruption in the administration, and a reopening of old cases where graft is suspected. In most protests in Jordan the common slogan was “fighting corruption”, and Dahabi is widely accused of candidacy fraud in the last parliamentary election.

Another high-ranking official who was targeted by online political news outlets is former Chief of the Royal Court Basem Awadallah, who came back to Jordan in the early 1990s after his graduation from a university in the US.

He had quickly ascended to high positions from director of an economic department at the Royal Court, to a minister, then to Chief of the Royal Court itself. Awadallah is seen as a symbol of corruption. Most of the accusations were based on his role as an ex-minister of planning and he supervised the privatisation process in Jordan.⁶

Whistleblower site WikiLeaks released a cable sent from US Ambassador R. Stephen Beecroft in Amman to Washington in 2008, which states: “Royal Court Chief Basem Awadallah, long an object of anti-Palestinian, anti-reformist anger and resentment, is facing yet another round of malicious gossip and slander designed to compel his ouster. This time, the allegations focused on a guilt-by-association link between Awadallah and a human trafficking case. Despite the fact that Awadallah’s links to the company named in the case are tenuous at best, the East Banker tribal conservative campaign of character assassination continues.”⁷

Awadallah was accused by a sub-parliamentarian committee of corruption⁸ and he is now under investigation.

A famous Jordanian poet, Habeeb Azzayoudi, recently published a poem⁹ accusing Awadallah of “selling Jordanian assets and gathering all the evils of the world early at dawn as he led them in a collective prayer.”

Political news websites are flourishing in Jordan because the “old media” are considered less free in reporting corruption and wrongdoing by the government. There are more than 200 political news websites, 40 of which have formed a union.

The government is still manoeuvring to control news websites. Officials use the “carrot and stick”

approach to interfere in web news content. One of the “carrots” is government advertising, and there are many examples of how the government and private sectors use “soft containment” to control the press.¹⁰

When the government fails in convincing web news outlets to register to be able to secure a share of government advertisements, it uses the “stick” (such as bringing charges against them).

Another corruption case raised by web news outlets involved the president of the Aqaba Special Economic Zone Authority, Hosni Abu Ghaida, who granted several contracts worth millions of dollars to an engineering office owned by his wife. An ex-prime minister suspended a development project in Aqaba as it violated the law.¹¹ Abu Ghaida later resigned from his post and has yet to be prosecuted. Parliament formed a committee to investigate the accusation, but finally the committee found that there were not enough grounds to prosecute Abu Ghaida.¹²

In April 2011, six men raided the office of Al-Muharrir.net in Amman, beating one employee and destroying a computer. The men stormed the office of editor-in-chief Jihad Abu Baidar, threatening to kill him and burn down the workplace if he did not withdraw an article on an anti-corruption commission investigation of former chief of staff, General Khaled Jamil al-Saraira.¹³ Saraira’s family admitted its responsibility and asked Abu Baidar for pardon, in accordance with local tribal tradition, and Abu Baidar subsequently dropped the case.

The latest corruption case which is still under investigation involves Waleed Kurdi, the former board director of Phosphate Company, the biggest public company in Jordan. Kurdi is the ex-husband of the King’s aunt, Princess Basma. Kurdi, who fled to the UK, had paid money to some web news outlets in order to silence them. The published list of journalists who received the money through advertising contracts includes a paragraph that gives the company the right to inspect any news related to the company that will be published on those websites.

Bribing journalists is a well-known phenomenon in many developing countries, including Jordan. General Dahabi was also said to be bribing journalists so that they attacked his opponents and spiked stories. The General Prosecutor in Amman is investigating these rumours following a request from the Jordanian Press association (JPA).¹⁴

6 www.alarabalyawm.net/pages.php?articles_id=16860

7 wikileaks.org/cable/2008/09/08AMMAN2673.html#

8 www.alarabalyawm.net/pages.php?news_id=360474

9 www.sarayanews.com/object-article/view/id/132606/title

10 www.alarrabnews.com/newsView.php?id=1170

11 www.alraimedia.com/Alrai/ArticlePrint.aspx?id=68317

12 www.alrai.com/article/504835.html

13 cpj.org/2011/04/cpj-condemns-attack-on-office-of-website.php

14 www.watnnews.net/NewsDetails.aspx?PageID=32&NewsID=42866

Another case which needs more investigation because it involves a member of the royal family concerns the Jordan Media Institute (JMI). JMI is a private company¹⁵ owned by Princess Reem Ali, the wife of the King's brother. In 2009 it rented a government building, the former location of the Higher Media Council, for the sum of JOD 100 (roughly USD 140) annually. When a journalist revealed this, the lease was raised to USD 300,000 per year, but JMI asked the government to waive this amount.

A number of influential persons have established what is known as a GONGO (government-organised non-government organisation) to absorb foreign funds that flow into Jordan. JMI had received million of euros, US dollars and donations from these sources. No one has the right to ask where this money goes. GONGOs are not accountable to any governmental body, even though a GONGO might be initiated by a government employee.

The government thinks that exposing corruption on web news outlets may negatively affect Jordan's image abroad, as well as foreign investment. In response to the new media influence, it has tried to pass new laws to control the internet. Under pressure to curb websites which publish reports on corruption, an amendment was introduced to the Anti-Corruption Law. Article 23 states: "Anyone who (...) attributes to another person without a reason acts of corruption set forth in article (5)¹⁶ of this law which leads to the abuse of his reputation or his dignity or assassination of his personality shall be liable to a fine of no less than 30,000 JDs and no more than 60,000 JDs [USD 42,000-88,000]."

Many journalists feel that this article aims to suppress the freedom of expression and has a chilling effect on the media.¹⁷ It is worth mentioning that the elected Lower House of Parliament has proposed a stiffening of the penalty in the law, but the Upper House of Parliament, appointed by the King, has fortunately rejected the amendments.

When the government lost this battle it tried another technique. It drafted a law called "Web News Regulations" to control the content of political news online. The news outlets attacked the proposed law, which it considered a "test balloon" released by the government to measure the reaction of media outlets. Fortunately, a few days later, the government denied that it was intending to introduce such a law – but still it did not surrender. It recently secured a

decision by the Office of the Interpretation of Laws which declared that web news outlets were "periodical publications" and need to be licensed and registered.¹⁸ Members of Jordan's online community immediately became concerned that they would have to comply with the registration requirements and rules of liability for journalists and traditional news outlets. (The Press and Publication Law constitutes the principal tool used by the Jordanian government to control the press.)

Access to information, the internet, and corruption

Fighting corruption is best handled with the participation of all concerned citizens – but citizens cannot fight corruption without having access to information and effective access to the courts for redress and remedy. The internet has a big impact on corruption by making information accessible. US Secretary of State Hillary Clinton highlighted that the internet has become the public space of the 21st century – the world's town square. She said the spread of information networks is forming a new nervous system for our planet.¹⁹

One of the most important functions of the media is to keep watch on the abuse of public office and public money. This watchdog role is still valid when it comes to new media – but the media can only contribute to the fight against corruption when they are free and have the right to access information.

The most recent survey on ICT use showed that 7.48 million Jordanians – equivalent to 108% of the population – had mobile access in 2011, and 38% had access to the internet.²⁰ The internet gives citizens a huge opportunity to access the other side of stories, and to participate in a counter-public sphere. It also gives people the opportunity to become "citizen journalists" and "newsmakers".

People's right to know and to access information are of fundamental importance to any democratic society, and to an effective free press. In Jordan, the Right to Access Information Law No. 47 of 2007 (FOI) was enacted on 17 June 2007 – the first of its kind in the Arab region. The reasons given for this law were due to the government "realising that freedom to access information is the cornerstone to public and press freedoms. ... [I]n order to implement transparency and encourage a public contribution in decision making, it was important to take executive and legislative steps toward facilitating the process

15 www.albaladnews.info/jordannews/showthread.php?t=44976

16 Article 5 mentions the attribution of corruption to public officials. A similar law existed in the US 222 years ago: the Contempt Act of 1789.

17 alarabalyawm.batelco.jo/pages.php?articles_id=17077

18 alarabalyawm.net/pages.php?news_id=367647

19 www.state.gov/secretary/rm/2010/01/135519.htm

20 www.trc.gov.jo/index.php?option=com_content&task=view&id=2014&Itemid=978

TABLE 1

Press freedom and corruption in Jordan

Year	2007	2008	2009	2010	2011
RSF Press Freedom Index ¹	122	128	112	120	128
Transparency International Corruption Perceptions Index ²	53	47	49	50	56

1. en.rsff.org/press-freedom-index-2011-2012,1043.html

2. www.transparency.org/policy_research/surveys_indices/cpi

of access to information, for citizens and journalists as well.”²¹ This means that Jordan is committed to adhere to the principles of transparency and rule of law.

Despite this, Jordan has a long tradition of secrecy when it comes to accessing information. The Law on the Protection of State Secrets and Documents (PSSD) (Provisional Law No. 50 of 1971) is considered the main law that suppresses and curbs access to information in the country.²² The civil society organisation Article 19 described this law as “an octopus-like law [that] actually turns all information in the possession of the State into confidential information unless publication thereof is authorised.”²³

After five years of Jordan’s FOI law, there remains a need to improve it through several amendments, to raise public awareness of it and to encourage people to “test the limits” of the government to see how it reacts. It will also be a great step forward if the Kingdom reforms the PSSD law, which violates internationally recognised principles on access to information. Without amending this law, FOI will remain an insignificant initiative.

The benefits of free media in fighting corruption are appreciated by many scholars and specialised NGOs. Transparency International showed in a 1999 study that there is a direct correlation between the level of press freedom and the level of corruption. The more press freedom, the less corruption. A global study on IT and corruption conducted in 2011 indicates that an increase in access to the internet by 20% in any country lowers corruption by 0.60 points. This very clearly supports the argument that the greater the internet penetration, the lower the corruption levels. Internet and social networking sites like Facebook and Twitter are powerful weapons that can curb the menace of corruption and lead to greater transparency in public life.

21 www.alarabalyawm.net/Public_News/NewsDetails.aspx?NewsID=8310&Lang=1&Site_ID=

22 Article 19 has issued a memorandum on the “Jordanian Draft Law on Guarantee of Access to Information”, December 2005: www.article19.org/pdfs/analysis/jordan-foi.pdf

23 Article 19 (1997) Blaming the Press: The Crisis of Democracy in Jordan, London, p. 107.

According to the annual press freedom indices by Reporters without Borders (RSF)²⁴ and Freedom House,²⁵ Jordan is not free. If journalists and “citizen journalists” are threatened by penalties they will not be able to perform their role properly in exposing the wrongdoings of officials, influential businesspeople and other corrupt individuals.

Table 1 illustrates Jordan’s scores in the Press Freedom Index by Reporters Without Borders and the Corruption Perceptions Index by Transparency International in the last five years.

Conclusions

The radical change in the Arab world is a triumph for new media. The old media did not do their job as a watchdog properly – unlike new media journalists who are braver in tackling issues related to corruption. In some cases web news outlets are less professional than the old media and the owners think that defamation laws do not apply to the internet, which is not the case in Jordan.

Newspapers generally have a system for checking facts to avoid legal liability. If internet news outlets want to be credible they ought to be trained in the practice of good journalism, as well as investigative journalism, so that they can handle corruption stories – after all, corrupt officials know how to be corrupt without leaving a visiting card behind.

While it seems that Jordan’s government will not stop trying to transform the media from watchdog to lapdog, it seems equally clear that a free press and the internet can play a vital role in fighting corruption. It is therefore critical to protect both.

Action steps:

- The internet can be a vital tool in fighting corruption – the Anti-Corruption Commission cannot fight corruption alone. Because of this the internet needs to be protected.

24 en.rsff.org/press-freedom-index-2011-2012,1043.html

25 www.freedomhouse.org/template.cfm?page=668

- Improve infrastructure to facilitate internet access and to reduce the cost of subscribing to internet service.
- Abolish the Law on the Protection of State Secrets and Documents, or at least amend it to meet international standards and to complement Jordan's FOI act.
- Amend existing legislation and develop new laws to ensure that the right to know is secured. This includes passing laws to ensure the right to access online information.
- Shift defamation laws from criminal defamation to civil defamation. Governmental executive, legislative or judicial institutions should not be protected by criminal laws in the case of defamatory statements related to corruption.
- Lobby against the licensing of online news outlets. This is not in line with international standards and best practices.
- ICT activists need more training in good journalistic practice, especially investigative reporting. Corrupt individuals may win the battle when "citizen journalists" without knowledge of the law fail to back up their accusations with proof. This means that the internet could give corrupt people a window of opportunity to clear themselves of allegations of corruption. ■



Kenya ICT Action Network (KICTANet)

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Introduction and background

Kenya was ranked 154th out of 182 countries on the 2011 Transparency International Corruption Perceptions Index.¹ It is considered the most corrupt country in the East Africa region. In June 2012, industrialisation assistant minister Ndiritu Muriithi noted that Kenya loses KES 400 billion (USD 4.549 billion) through corruption every year and, despite various initiatives to tackle corruption, there have been major setbacks with a number of corruption scandals that have damaged the current government's credibility. Afro Barometer 2008 notes that a large proportion of Kenyans believe all or most public officials, including the president, to be involved in corruption.² The police are considered the most corrupt, followed very closely by parliamentarians and government officials. The media and civil society are the most trusted groups.

The former head of the Kenya Anti-Corruption Commission (KACC), PLO Lumumba, notes that the identifiers for corruption are poor leadership, absence of public participation in governance, weak institutions, lack of accountability, transparency and political will, weak ethical values and a weak judicial system, among others.³ Corruption continues to pose a serious challenge with severe consequences ranging from poverty and disease to famine and conflict.

According to the World Bank, information and communications technologies (ICTs) can reduce corruption in the public service by increasing transparency and accountability. The past several years have therefore seen an increased focus on using ICTs as tools for accountability, transparency and the reduction of corruption. For example, the Kenyan government has launched several initiatives to automate and digitise public services, including

the lands ministry, judiciary and procurement sector. Most recently (in 2011) it launched an open data initiative.

The open data initiative makes previously held government data available to the public as a way of improving governance, transparency and citizen participation and reducing corruption. According to the permanent secretary in the Ministry of Information and Communications, Bitange Ndemo, the government's reform efforts to reduce corruption are centred on the new constitution that supports good governance, integrity, accountability and transparency, as well as the national development blueprint, the Vision 2030 Plan, which focuses on public sector reforms and developing world class infrastructure.

Open data can be defined as "data sets that are made accessible in a non proprietary format under licences that permit unrestricted reuse."⁴ It is also defined as "the democratic use of data to enable citizens to access and create value through the reuse of public sector information."⁵

Kenya's open data initiative was the first in sub-Saharan Africa to develop an open data portal making over 160 key government datasets freely available through a publicly accessible online portal. According to the Kenya ICT Board, the government body responsible for this initiative, the goal is "to make core government development, demographic, statistical and expenditure data available in a useful digital format for researchers, policymakers, ICT developers and the general public."⁶

The initiative intends to support greater public sector transparency and accountability, essentially changing the nature of citizen-government engagement. According to the Kenya ICT board, the release of government-held data will provide a vehicle for increased public outreach and improve public interaction with government, thereby leading to a more citizen-responsive government.

Another objective is to provide a platform for third party applications and opportunities for

1 cpi.transparency.org/cpi2011/results

2 www.afrobarometer.org/results/results-by-country-a-m/kenya

3 Lumumba, PLO (2011) Fighting corruption in Africa: The case for an African association of anti-corruption authorities, paper presented at the First African Anti-Corruption Conference, Bujumbura, Burundi, 20-22 June.

4 opendefinition.org/okd

5 Rahemtulla, H., Kaplan, J., Gigler, B.-S., Cluster, S., Kiess, J. and Brigham, C. (2011) *Open Data Kenya: Case Study of the Underlying Drivers, Principal Objectives and Evolution of one of the first Open Data Initiatives in Africa*. www.scribd.com/doc/75642393/Open-Data-Kenya-Long-Versionera

6 www.ictboard.go.ke

innovation, entrepreneurship and development of technologies, which would enable the creation of new services based on open data. To this end, the developer community, business and social entrepreneurs are creating innovative applications, tools and visualisations to repurpose and enrich the data – and in doing so turning public sector information into new services and products. For example, the Kenya ICT Board launched the Tandaag digital content grant offering awards to entrepreneurs for developing applications that utilise the data to provide services or products. Other projects include a partnership with the World Bank, Google, Ushahidi and the Kenyan government to make census data available. Most of the current open data initiatives are, however, focused on developing and stimulating skills for developers to access and work with the data to increase government efficiency and stimulate socioeconomic development, rather than increasing transparency and accountability.

Policy and legislative context

Kenya's new constitution was promulgated in August 2010. It is expected that there will be several new legislative frameworks to accompany the constitution, which will help embed transparency, accountability, integrity and good governance. The constitution is expected to involve, amongst other things, the enactment of appropriate laws, for example the Anti-Corruption and Economic Crimes Act, and the creation and strengthening of institutions involved in governance.

The constitution has, as its basic pillar, the engagement of citizens, which has seen increased transparency in the development of its subsequent bills and public vetting of public officers. In addition, objectivity, impartiality and accountability are enshrined as guiding principles for all state officers, and parliament is required to enact legislation translating these principles into an ethics and anti-corruption commission. Article 33 of the Bill of Rights guarantees freedom of expression and Article 35 provides the right of access to information. The freedom of information legislation is expected to provide for the repeal of the Official Secrets Act and encourage proactive disclosure.

The Anti-Corruption and Economic Crimes Act 2003 defines and criminalises corruption and establishes rules for integrity and transparency, while the Public Officers Ethics Act 2003 defines corruption and abuse of office and sets rules for transparency and accountability.

The Ethics and Anti-Corruption Commission (EACC) is the new anti-corruption agency created with a constitutional mandate in August 2011,

replacing the old Kenya Anti-Corruption Commission (KACC). The mandate of the EACC includes the examination of practices and procedures of public bodies, the investigation of corruption and economic crime, and educating the public on corruption and economic crime. The EACC has the power to prosecute, but this needs to be bestowed by parliament; because of this it currently forwards cases to the Attorney General, which is seen as a potential weakness.

Other proposed legislation includes the Data Protection Bill 2012.⁷ Both the freedom of information and data protection bills are currently undergoing stakeholder consultation.

Kenya is a signatory to the United Nations Convention against Corruption (UNCAC), which provides for international cooperation against corruption, particularly on the criminalisation of cross-border bribery, the recovery of assets, and law enforcement.

There was no legal framework for the open data project. Authorisation to launch the initiative without a legal framework was sought directly from the president, according to Ndemo. This was seen as the prudent way to ensure that bureaucracy and the closed government culture did not derail the project. An Open Data Licence has however been developed, which provides guidance on the use and reuse of government data. The licence was adopted from the United Kingdom Open Government Licences (UK OGL, 2011), which allow for the copying and distribution of information, freely and flexibly, with only a few conditions, which include acknowledging the source of the information by including any attribution statement by the information providers.

Although the government has defined an open data strategy and there exist sufficient legislation and constitutional provisions, some government agencies are still quite reluctant to implement them. A major barrier is the closed culture within government, caused by a general fear of the exposure of government failures and any subsequent political repercussions.

The challenges of open data

Gurnstein⁸ and Rahemtulla et al.⁹ note that open data initiatives are founded on the premise that everyone has the potential to make use of the data. The initiatives are launched with ideals of inclusiveness,

7 cickenya.org/legislation?page=3

8 Gurnstein, M. (2010) Open Data: Empowering the Empowered or Effective Data Use for Everyone? gurnstein.wordpress.com/2010/09/02/open-data-empowering-the-empowered-or-effective-data-use-for-everyone

9 Rahemtulla et al. (2011) op.cit.

but unfortunately within societal contexts often characterised by inequities, including lack of ICT infrastructure, knowledge, skills and resources to make use of the data for their specific needs. This means that citizens are not able to translate open data into meaningful uses unless they have access to resources.

According to a 2011 World Bank study, the Kenya Open Data portal assumes the public has sufficient skills to correctly interpret and use the datasets – which means that usage numbers for the Kenya Open Data portal are modest. Ndemo has expressed concerns regarding the limited uptake of data provided¹⁰ and continues to urge the media and other stakeholders to contribute not only towards creating awareness but by developing capacity to enable the interpretation of the data for the public.

The release of public sector information without a proportionate increase in data literacy will do little to empower average citizens, allow institutions and communities to make smarter decisions, or to hold governments accountable. While provision of government data and access to information laws are important they represent only the first step to a more informed citizenry.¹¹

The next step should involve understanding which groups are in a position to make use of this available data and addressing barriers that limit access, such as information literacy, infrastructure, and digital inclusion, among others.¹² This requires the existence of supporting factors, which include a reliable and robust ICT infrastructure, an ICT-literate community, supportive governance and political will, as outlined by Zainab et al.¹³

Input from citizens is also critical. Crowd-sourced data and information platforms, such as Ushahidi,¹⁴ which was originally developed to monitor 2007 post-election conflict in Kenya, are now being deployed in a number of anti-corruption settings, and the use of social media like Twitter (#twitterbigstick and #twitterthumbsup) enables citizens to report cases of corruption and inefficient public services, among others. The various tools must accept online and SMS submissions to allow as many citizens to engage as possible.

Kenya ICT Board CEO Paul Kukubo urges data intermediaries and mobile application providers, among others, to act as facilitators and to contextualise data so that it can be easily used by the wider public. He notes that open data is meant to “provide a platform for intermediaries to build interfaces and tools that would make the data available in forms of relevant information for citizens to contribute to socio-economic and political development.”

Open data initiatives must also be supported by intensive awareness, education and training programmes to expand the information capabilities of citizens, including the ability to work with data visualisation tools, interpret information and understand public policy processes. In addition, the development of infrastructure including data centres to encourage local hosting and collocation are also necessary requirements for open data initiatives to have impact.

According to Matt Parker,¹⁵ creating a participatory ecosystem and feedback mechanisms will enable citizens to create useful tools, data visualisation, analysis, fresh perspectives, and insights, and allow for mixing and mashing to produce real-time, relevant perspectives. Only then do open data initiatives become really valuable in enhancing democracy.¹⁶

One area that is fraught with possibilities of corruption is the procurement process. Making available and publishing the results of requests for proposals would help enhance transparency and accountability. In addition, as Kenya is gearing up for elections in 2013, publishing voter registration to see people listed on the voter roll would provide the public with the opportunity to challenge the listing of persons who do not exist or may be deceased several months before the elections, and in doing so, preventing possible voting fraud.

Ensuring that the datasets released do not violate civil privacy laws is another issue that needs to be considered. While government should be open to scrutiny, it should not compromise citizens’ rights to privacy or maintaining control of their self-presentation. O’Hara¹⁷ argues that for transparency programmes to succeed, privacy is a *necessary condition*. One way to ensure this is to reassure the public that its privacy is a central concern whose protection is entrenched in decision-making processes for open government initiatives.

10 KICTANet discussions, 2011.

11 Boyd, D. (2010) Transparency Is Not Enough. www.danah.org/papers/talks/2010/Gov2Expo.html

12 Gurnstein (2010) op. cit.

13 Zainab, A. N., Abdullah, A. and Edzan, N. N. (2002) An Information and Communication Technology (ICT) Enabled Knowledge-based Malay Society, *Malaysian Journal of Library and Information Science*, 7(1), p. 1-15.

14 ushahidi.com/about-us

15 www.guardian.co.uk/voluntary-sector-network/2012/may/25/open-data-charities-advice

16 Ibid.

17 eprints.soton.ac.uk/272769

The more governments comply with the citizens' demands for transparency, and better and more efficient ways to mash up the data provided emerge, the more demands there will be for increased transparency.¹⁸

Conclusions and recommendations

Open data has the potential to provide raw material for informed policy making, offer an empirical foundation for developing solutions to various challenges, convene informed discussions about various challenges, and contribute to the fight against corruption. However, the relationship between open data, democratic participation and the reduction of corruption is not yet clear.

More research is required to improve the evidence base and demonstrate the multiple (socio-economic, political, cultural) impacts of open data on anti-corruption efforts, and to make the case for the use of the internet to fight corruption.

Participatory approaches need to be implemented to help foster open government and accountability. Government institutions and corporate entities should continue to actively open up data and establish successful and effective open data policies. They should continue to develop information infrastructure in such a way that it lays a foundation for transparency and accountability efforts.

Action steps

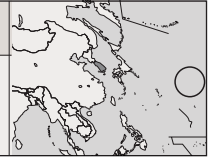
- Research the impact of open data on transparency and corruption to provide an evidence base.
- Create awareness of the potential of open data and advocate for collaboration and networking with industry and governments.
- Civil society should take on the role of information intermediaries on particular issues, for example, health and education. They should then use this position to collaborate on open data initiatives in those sectors.
- Organise “hackathons”¹⁹ for groups/individuals interested in hacking corruption, where citizens come together to create tools that will help prevent collusion and corruption. ■

¹⁸ Lessig, L. (2009) Against Transparency: The perils of openness in government, *The New Republic*, 9 October.

¹⁹ en.wikipedia.org/wiki/Hackathon

REPUBLIC OF KOREA

THE CURRENT STATUS AND PROBLEMS OF INFORMATION DISCLOSURE IN KOREA



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Introduction

Public officials often complain that when a sensitive political issue arises in Korea, false claims or rumours regarding the issue run rampant on the internet. For example, in 2008 there was a controversy around importing American beef, and many claimed that people can contract mad cow disease just by using a product made from a cow that had the disease. In response, the Ministry of Justice announced that the persons responsible for spreading these claims would be arrested. In March 2010, the Cheonan warship, which belonged to the Republic of Korea Navy, was sunk in the seas near Baengnyeong Island. Though the government officially stated that it was a North Korean torpedo that sunk the warship, internet users who did not believe the government's statement posted their doubts on websites. The Korean government labelled these as "Cheonan warship rumours" and prosecuted the authors under the charges of "disseminating false information". On 28 December 2010, the Constitutional Court ruled that the law used to indict the internet users (the Basic Telecommunications Act, Article 47, Clause 1, "Clause on False Communications") was unconstitutional. However, the Korean government is still adhering to its policy of deleting what it calls false information and claims and punishing the authors of these claims.

Koreans citizens post many "rumours" or express public doubt on the internet because they do not trust the government's announcements; and this distrust stems from a lack of transparency in the way the government discloses information regarding important issues. When the Cheonan warship was sunk, a group calling itself the "Citizens Petitioning for Information Disclosure Regarding the Cheonan Warship", led by civil society, expressed doubt over the government's statements and filed a request for information disclosure to the Ministry of National Defence (MND) and the Board of Audit and Inspection of Korea (BAIK). However, both the MND and the BAIK decided not to disclose the information, citing national security.

When the Korea-US Free Trade Agreement (FTA) was ratified, it was revealed that there were approximately 500 translation errors in the Korean version of the text of the agreement, which caused a stir in Korea. Civil society requested that the Ministry of Foreign Affairs and Trade release an errata in the Korean version of the FTA text listing the errors discovered as the result of proofreading, but the ministry refused to do this. In the lawsuit that followed, the Seoul Administrative Court ruled that "the government should disclose the errata text for the Korean version of the Korea-US FTA," but the government has yet to comply. Such lack of transparency has grown even worse during incumbent President Lee Myung Bak's administration.

Policy and political background

Korea's information disclosure programme began in 1992, when Cheongju City legislated its Information Disclosure Ordinance. After the enactment of this ordinance, the Law on Information Disclosure by Public Offices was passed and proclaimed in 1996, and went into force on 1 January 1998, making Korea the 13th state in the world to adopt a law on information disclosure.

Amendments were subsequently made to the law in order to reflect the changes in telecommunications, and in 2006 an online information disclosure system¹ was established so that users can conveniently search for and request information, be notified of results, and view information conveniently on a single site. Recently, with the increasing use of information and communications technologies (ICTs) such as smartphones, citizens are demanding a departure from the traditional method of requesting and disclosing information, and a move to Government 2.0, in which public offices construct public services based on online information sharing and guarantee citizens' participation in this way.

Current status of information disclosure in Korea

Requests for information disclosure are increasing in Korea. In 2010, the number of requests reached 421,813, which is 16 times more than the 26,000

¹ www.open.go.kr

requests recorded in 1998 when the Law on Information Disclosure came into force. However, information non-disclosure based on a variety of reasons still limits information accessibility. The information disclosure rate of Korean public offices was 90.5% in 2006, 90.8% in 2007, 91.1% in 2008, 91.4% in 2009 and 89.7% in 2010, maintaining an average of 90%. The Law on Information Disclosure by Public Offices outlines nine regulations that govern disclosure. According to the analysis of the causes of information non-disclosure, the overwhelming majority of the reasons for non-disclosure in 2010 were absence of information (15,620 cases or 47%) and legal confidentiality (10,914 cases or 33%), followed by protection of individual privacy (2,724 or 8%), obstruction of fair execution of official duty (1,100 or 3%) and prevention of exposure of business secrets (1,054 or 3%).²

The problem of information non-disclosure in the central administrative government

In 2012, Korea scored the highest on the e-government index in the United Nations survey on electronic government. On the other hand, Korea ranked 43rd out of 183 countries in Transparency International's Corruption Perceptions Index.³ Given this, it is clear that the development of e-government does not guarantee transparency in government. Furthermore, administrative management has grown more closed during the present government.

Central administrative institutions show a higher rate of information non-disclosure than other public offices. The information disclosure management status of the central administrative institutions shows that the non-disclosure rate is on the increase, rising from 11% in 2006 and 2007 to 16% in 2008, 17% in 2009 and 20% in 2010. The government explains that this is because they "possess and manage a substantial amount of sensitive information relevant to policy decisions and national security." This means that, unlike ordinary public information, information critical to national issues is not often disclosed.

According to the Ministry of Public Administration and Security's Information Disclosure Management Manual, 15 administrative ministries are required to disclose eight types of information in their information log, namely the document title, documentation date, duration of preservation, whether the document is disclosed or not, employee

in charge, department in charge, document number, and the document's specific purpose. However, there are only five ministries that comply with this regulation. The Ministry of Education, Science and Technology discloses no information on its information log except document title and document number, and the Ministry of National Defence also does not disclose many information categories. The Ministry of Strategy and Finance has not disclosed its information log since January 2011.⁴

In addition, the central administrative institutions do not disclose reports on outsourced research, the prime example of which is the Ministry of Foreign Affairs and Trade's outsourced research regarding the FTA. From 2005 to 2010, the Ministry of Foreign Affairs and Trade signed 31 contracts for outsourced research in connection with the Korea-US and Korea-EU FTAs, none of which have been disclosed to the public. By not disclosing even the basic information they are required to, the central administrative institutions are infringing on the people's right to know.

Problems in maintaining records

In 2010 it was revealed that the Public Ethics Division of the Korean Prime Minister's Office performed illegal surveillance on Kim Jong Ik and the private company he works at, a revelation which sent shockwaves through Korean society. Kim Jong Ik criticised the policies of the Lee Myung Bak administration and posted video clips featuring the mad cow disease incident on his blog, which appears to have prompted the illegal surveillance. When the Prosecutor's Office proceeded to investigate, the Public Ethics Division destroyed the hard disk on their computers, thereby destroying the critical evidence in the illegal surveillance case. In early 2012, the employee of the Public Ethics Division who attempted to destroy the evidence testified that "[t]he Blue House [the President's office] instructed the destruction of evidence in the illegal surveillance," which caused yet another uproar in Korea.

As can be inferred from the case, Korea is not adept at maintaining records. In 2009, the Lee Myung Bak administration had in reality stopped the appointment of professional record managers, and in 2010 unilaterally submitted a bill that facilitates the destruction of records and eases the qualifications to become a professional record manager under the euphemism of "amending internal administrative regulations." For this reason, though

2 Ministry of Public Administration and Security (2010) *The Annual Journal of Information Disclosure*.

3 www.index.go.kr

4 Information Disclosure Centre for Transparent Society (2011) *The Status of Information Logs in Public Offices*. www.opengirok.or.kr/2646

the law stipulates that professional record managers must be assigned to public offices, many offices do not have record managers – and even those with professional record managers employ them as part-time contractors, making it very difficult for them to fully utilise their professional expertise.

To resolve this issue, the law must be amended so that persons who destroy or terminate records or media that contain records without authority are legally punishable. In addition, civil society and experts assert that a mandatory procedure for record destruction must be established, so that prior to destruction the institution that created the record must be consulted, professional record managers must evaluate the case, and a record evaluation committee that includes outside expertise must evaluate the record.

New trends in information disclosure service

In 2009, a high school student created and distributed a smartphone application that provides information about the bus schedule and routes in the capital area. But the Korean government blocked the application, saying that the developer of the application used public information without consulting in advance. As public sentiment turned against the government, the block was removed, but this case does illustrate how the Korean government has a practice of restricting the people's free use of information, despite emphasising e-government. Furthermore, this case triggered an increase in people's demand for free use of public information.

Government 2.0 has been rising steadily in Korea, accompanied by diverse experiments. The first experiment was "Local Council 2.0" by the Gwacheon City Council and "Seoul Education 2.0" by the Seoul Metropolitan Office of Education. Following the Transparent Council Operation Guidelines, the Gwacheon City Council pledged to post a full copy of the council president's and council vice president's business finances online every month, as well as to post a detailed breakdown of expenses used to support councillors' study-abroad programmes within their first month of study. Meanwhile, for the first time among education offices throughout Korea, the Seoul Metropolitan Office of Education decided to fully publicise not only its own building construction process, but all the construction processes that take place in any of its affiliated organisations and schools. The Office of Education provided this service through the Transparent Education Administration website.⁵ This triggered a

change in the practice of sharing construction work in progress.⁶ Both cases saw daylight thanks to the leadership shown around Government 2.0, and also due to the active participation of civil expert groups, led by the Information Disclosure Centre for a Transparent Society.⁷

In 2011, Seoul City opened the Seoul City Mobile Public Information Open API Service⁸ so that any private smartphone application developer can use Seoul City's public information.

Conclusion

In Korea, ways of accessing public information are limited for citizens, but there is a wide range of attempts to develop government transparency and to enhance the citizens' utilisation of public information. However, there are discrepancies in the provision of public information service between local governments, and the central government does not actively pursue projects that encourage information disclosure, such as promoting citizen participation.

To construct a public information service based on Government 2.0, Korean experts say that amendments in the legislative system, improvement of public information management, improvement in technology and improvement in organisational culture are required. First of all, we must provide information disclosure standards beginning with the production stage of public information, so that task management departments can make decisions on announcements and the disclosure and non-disclosure of information objectively. In addition, improvements must be made in institutions, laws, ordinances and rules regarding information disclosure. Second, we must strictly manage the information that is produced and managed by public offices. Third, we must move away from the existing situation where information is provided through a single channel, and provide diverse routes of accessing public information. Fourth, we must improve the basic attitude of public office employees regarding information disclosure, sharing and use. We must also provide the employees with regular education and training programmes on the topic. Finally, when there is an improvement in organisational culture, public information disclosure will impact on all aspects of public office, and be part of everyday work.

⁶ Kim, Y. S. and Jeon, J. H. (2011) *Study on Public Information Service Based on Government 2.0: Domestic Application Cases*.

⁷ www.opengirok.or.kr

⁸ mobile.openapi.seoul.go.kr

⁵ open.sen.go.kr

Action steps

Spearheaded by the Information Disclosure Centre for Transparent Society, Korean civil society has been engaging in campaigns to increase requests for information disclosure, evaluating the information disclosure status of public offices, developing and managing information disclosure application news sites, and monitoring systems related to the right to know in order to increase the transparency and accountability of public offices. To achieve information transparency and prevent national corruption, the following institutional improvements must be made.

- We must build a Government 2.0-based public information service to expand prior information disclosure efforts, and provide public information in a way that is easy for citizens to search and access in order to increase the usefulness of information.
- We must narrow and specifically define the cases for information non-disclosure to prevent arbitrary non-disclosure.
- We must reinforce punishment for persons who destroy records without authority, and prepare stringent record termination procedures.
- We must challenge and change the central administrative institutions' practice of information non-disclosure. ■



Civil Initiative on Internet Policy (CIIP)

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Introduction

The overthrow of the regime of former president Kurmanbek Bakiev in 2010 led to significant changes in the political situation in Kyrgyzstan, the most important being the transition to a parliamentary constitutional system. Given that the main reason for Bakiev's removal was corruption (which included his family), the issue of corruption receives a lot of attention in current political discourse.

Corruption has received much attention online, on social networks and on news outlets. The current president, Almazbek Atambaev, has proclaimed the anti-corruption drive as a priority activity and established an anti-corruption service under the State Committee for National Security. It has already investigated several cases of corruption that were highlighted in online media coverage. Nevertheless, for the last seven years nobody has been charged with corruption. The judiciary is not independent and remains dominated by the executive branch – and because of this it takes decisions in favour of officials or those who offer bribes. This corruption affects all stages of proceedings, especially when the case concerns high-profile officials.

In 2011 the number and popularity of online news agencies increased significantly, allowing people to receive information on different events and from different points of view faster than through traditional media. Given a rapidly developing information and communications technology (ICT) sector, and the increasing penetration of the internet, especially mobile 3G services which are currently offered across the country, the government has established several online resources presumably aimed at increasing accountability and transparency. These include a portal on government purchases and acquisitions, and an “open budget” portal. Online anti-corruption services were also launched by the Ministry of Internal Affairs and the State Committee for National Security, but there is no evidence of their popularity and effectiveness.

Deaths on the road: Putting the brakes on justice

In August 2012, a traffic accident occurred that led to deaths of three young people (aged 21 to 23). Azamat Isaev, the son of the mayor of Bishkek, was responsible for this tragedy, but was hospitalised without being tested for drugs or alcohol. The incident was actively discussed in different media. Nevertheless, officials kept silent on the investigation's progress despite journalists' requests and the public's response. After a month, Isaev was charged with the fatal car accident. A month later, just before the case was taken to court, relatives of two of the three victims of the accident withdrew the charges. The trial was also later adjourned several times for numerous reasons.

During this period the court agreed to an application by the mayor for hearing the case outside of the spotlight of the media. Contradictory statements were also made by the mass media: the advocate of the accused allegedly declared that the third relative had also abandoned the case, but at the same time, the third relative told journalists that he would not abandon the case and would push through to its completion. However, after a week, the judge dismissed the case, reportedly because of the uncertainty over whether or not the third relative would continue to press charges.

In fact, the judge dismissed the case after the third relative had abandoned it, a week after telling journalists that he would pursue it to completion.

The court decision caused a wave of public indignation on social networks and forums. After more than two weeks of continuous discussions online, including calls for the removal of the mayor, Isaev appealed to the court to rescind the judgment and to pass a guilty verdict. As a result, he received a seven-year suspended sentence with probation for two years. This was in line with a vehicle violation, but had nothing to do with the deaths that the accident caused. It was the most lenient sentence he could receive under these conditions, especially given the three deaths.

Later there were several similar road accidents involving different officials and their drivers. These involved the driver of the head of the State Committee for National Security, Keneshbek Dushbaev, and the driver of parliamentary deputy Irina

Karamushkina. In both cases deaths occurred, and still none of the guilty parties was charged. In addition, there have been cases involving officials from the Ministry of Internal Affairs.

Every case causes widespread debate on forums, social networks and online news sites. But this is clearly not enough. None of the cases has resulted in appropriate punishment. The most scandalous incident – a car accident involving an official in the Ministry of Internal Affairs – attracted the attention of the prime minister due to the publicity it received online. The official hit and killed a pedestrian and fled the scene of the crime. According to witnesses, the official was drunk while driving.

However, two months later, the criminal proceedings were terminated due to the “absence of *corpus delicti*” (proof that a crime has been committed) and the offender continued to work in the ministry. After intense discussions of the case online, and a meeting between the prime minister and minister of Internal Affairs, the prime minister ordered that the case be investigated, and the official involved in the accident dismissed. Nevertheless, it was later revealed that the official had resigned instead.

The role of ICTs in new approaches to transparency

In March 2012, a new anti-corruption agency called the State Service for Combating Economic Crimes was established. This replaced an agency called the Financial Police that was ironically considered the most corrupted government body by the prime minister. During almost 20 years of activity by the Financial Police, there were no disclosures of cases of corruption. Yet most of the staff in the agency were taking bribes for small violations and sheltering dodgy business deals.

An open announcement was made to fill the posts in the new service. The selection committee consisted of representatives of the government, civil society and the business sector. Email addresses were also created where people could submit information about candidates’ offences. Every piece of information was thoroughly investigated, and based on the results of the investigation, candidates could be disqualified. During the selection period, 37 emails were received and 35 candidates were disqualified due to the information contained in the emails. After every stage of the process, the government’s official site and online news agencies published all the results of the stage for each candidate. At the beginning of the call the candidates were tested using a computer programme and the results were broadcast on TV, making the process

as transparent as possible. Fourteen of 20 relatives of members of parliament did not pass the test.

After the results of the tests were published online, pressure on the selection committee members started when they received phone calls from relatives of those tested with requests to alter the results of the tests. Some members of parliament claimed that the competition was a violation of human rights and called for the nullification of the results of the test. There were also calls to declare the new service unlawful. However, the service was created and started its work. During the first three months of its activities it discovered violations amounting to KGS 290 million (approximately USD 6.2 million).

It was proposed that the same process be followed in the selection of judges for the Supreme Court, which is also considered to be one of the most corrupt state structures. In contrast to the selection process for the State Service for Combating Economic Crimes, where the selection committee included representatives from the government, business sector and civil society, the selection committee for the judges of Supreme Court was formed by the judiciary, parliamentary majority and parliamentary opposition. The selection process involved three stages: in the first stage they checked the legal and other documents of candidates, their property and holdings, and criminal records. In this stage they also investigated all complaints about candidates that were received, including via email or online. From the final list of candidates more than 20 appeared to have made judgments that were in violation of legislation – suggesting they were either unskilled or corrupt.

However, it is important to note that the official investigation in the first stage was very basic and subjective. For example, the information on the candidates was discovered as a result of an independent investigation conducted by an NGO.

The second stage in the process aimed to reveal the professional knowledge and moral standards of the candidates. One of the tools was a computer test to check the competence of candidates in different fields of law. In this case, however, the questions for the test were made as simple as possible, and the average score was 9.15 out of 10 – almost all candidates easily passed.

Due to the automated system of scoring, all results of the selection process were shared online, including detailed information on the scores given to candidates by members of the selection committee.

The third stage involved voting by members of the selection committee for candidates who had

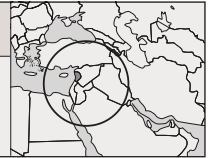
reached the final stage. This was potentially the most subjective stage in the selection process and it proved to be so. According to the results of the voting, many on the selection committee voted for the candidates who had the lowest scores, and the most competent candidates according to the scores were not voted for. Because of this, despite the use of ICTs and wide and immediate online coverage, the selection process was as subjective as before, and, as a result, subject to corruption.

Given the above, we can say that in Kyrgyzstan there are two different tendencies when it comes to using the internet in the struggle against corruption. One of them is the struggle that comes from the community push for change and for the state to react to events that receive coverage online – including on social networks, discussion forums and online news sites. At the same time, state institutions actively use ICTs in their activities to demonstrate transparency and the absence of corruption.

Nevertheless, all these efforts are useless without the effective oversight of civil society. The two cases involving the selection of candidates discussed in this report suggest this. In the first, the application of ICTs was successful, but in the second, it was not. Therefore we can conclude that the internet is only a tool that can be used in the fight against corruption, but that on its own it is not sufficient to be successful in the fight against corruption.

Action steps

- ICT and civil society activists should use online platforms for discussions more actively, organising events that can help to force state bodies to take measures against corruption.
- Create specialised online resources aimed at providing facts on corruption and supporting a citizen-led campaign against corruption. Monitor all investigations of cases of corruption and cover all violations made during the process.
- State bodies should investigate all instances of corruption reported in the media, and in doing so demonstrate the state's firm commitment to fighting corruption. ■



Mireille Raad

Introduction

For the third time since 2009, Lebanon received a score of 2.5 out of 10 on the Corruption Perceptions Index (CPI) in 2011.¹ This index, produced by Transparency International and covering 183 countries, is measured on a scale from 0 (highly corrupt) to 10 (very clean).

The score places Lebanon in the 134th position out of 183 worldwide and 15th out of 18 in the Middle East and North Africa (MENA) region. It is also notable that the best score ever achieved by Lebanon is 3.2 – the worst being 2.0.²

Other indicators like the Open Budget Index place the country among the least transparent when it comes to the national budget (OBI=32%).³

World Bank governance indicators suggest very high levels of corruption and bad governance (see Figure 1). Out of 212 countries reviewed, Lebanon ranked:⁴

- Government effectiveness indicator: 146th
- Political stability indicator: 202nd
- Voice and accountability indicator: 108th
- Corruption control indicator: 167th.

Policy and political background

Ironically, despite the above indicators, reform and the fight against corruption have always been at the core of the political agendas of all the Lebanese political parties, and a main theme for political bickering.⁵ In theory, most of the policy framework needed to fight corruption appears to exist; for example, the Lebanese Office of the Minister of State for Administrative Reform was created in 1994 in order to provide solutions for a deficient post-civil war public administration.⁶

On 22 April 2009, Lebanon ratified the United Nations Convention against Corruption (UNCAC),⁷ yet many of the mechanisms required to ensure compliance with the convention are either dysfunctional or missing, including an absence of:

- Access to information legislation
- A whistleblowers' protection law
- A national anti-corruption agency
- An ombudsman⁸
- A national strategic, long-term anti-corruption plan.

Naturally, given the severity of corruption in Lebanon and its drastic effect on society, many NGOs and independent activists are going to great efforts to fight it – including LTA (the Lebanese chapter of Transparency International) and Nahwa el Mouwatinya via their Lebanese Parliamentary Monitor.⁹

Spinneys, spin and labour wage rights denied

On 19 January 2012, following an agreement reached between the economic committees and the General Workers' Union, the Lebanese cabinet approved raising Lebanon's minimum wage from LBP 500,000 to LBP 675,000 (from USD 333 to USD 450).¹⁰ A general wage increase was also approved based on salary ranges.

The decision came after the State Shura Council rejected the cabinet's wage increase decision proposed by Minister of Labour Charbel Nahas.

The agreement was reached following a strong debate that lasted several months and ended with the resignation of the minister of labour, who argued that all of his colleagues in government were preventing any effective improvement in workers' rights.¹¹

Yet despite the official upgrade in salaries, Spinneys, a well-known and premier supermarket retailer in Lebanon with branches across the Middle East, and a major employer, breached both international labour rights and Lebanese labour laws by refusing to implement the wage increase, threatening employees and dismissing those who lobbied and objected to its refusal.

1 cpi.transparency.org/cpi2011/results

2 files.transparency.org/content/download/313/1264/file/CPI2011_DataPackage.zip

3 internationalbudget.org/what-we-do/open-budget-survey

4 info.worldbank.org/governance/wgi/pdf_country.asp

5 www.dailystar.com.lb/News/Politics/2011/Nov-15/154093-mikati-promises-to-fight-corruption-in-administration.ashx#axzz23Au9qosY

6 [en.wikipedia.org/wiki/Office_of_the_Minister_of_State_for_Administrative_Reform_\(Lebanon\)](http://en.wikipedia.org/wiki/Office_of_the_Minister_of_State_for_Administrative_Reform_(Lebanon))

7 www.unodc.org/unodc/en/treaties/CAC/signatories.html

8 en.wikipedia.org/wiki/Ombudsman

9 lpmonitor.org

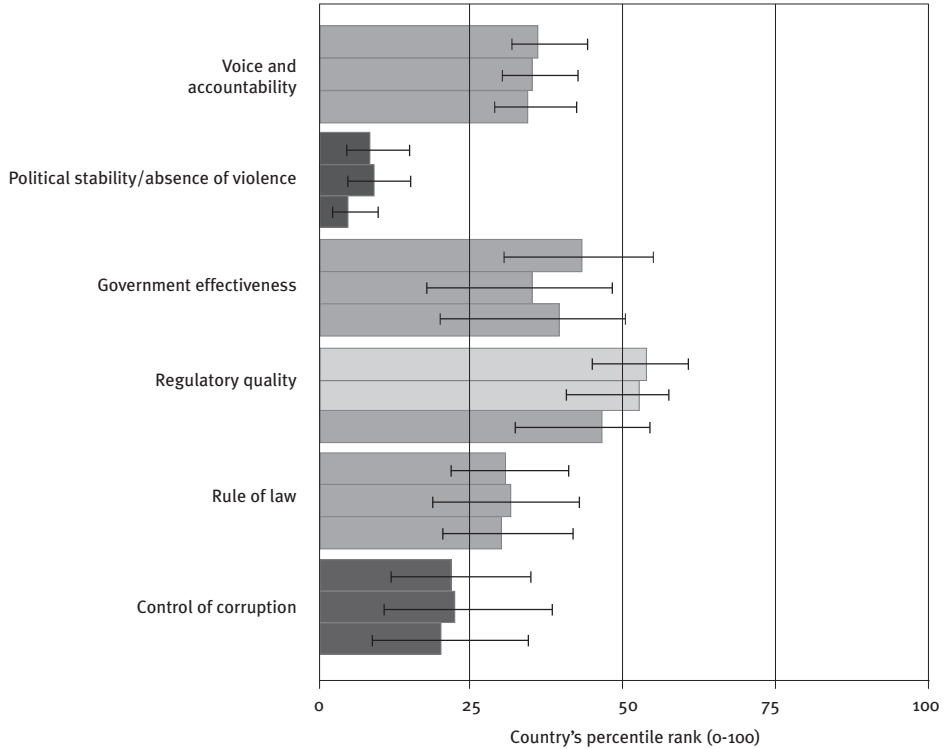
10 www.nowlebanon.com/NewsArchiveDetails.aspx?ID=354211

11 en.wikipedia.org/wiki/Charbel_Nahas

FIGURE 1

World Bank Governance Indicators

Comparison between 2010, 2009, 2008 (top-bottom order)



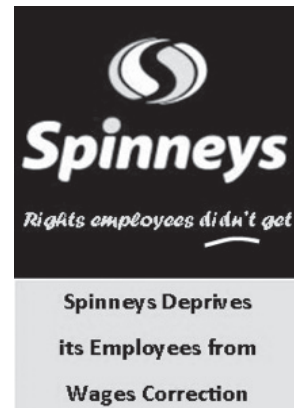
Source: info.worldbank.org/governance/wgi/sc_chart.asp

The Lebanese government took no action to enforce its own decision and no penalties against Spinneys were levied. The topic also received little attention from most of the media, especially in media outlets where Spinneys spent a lot of advertising money.

Following the above events, many Lebanese bloggers and activists decided to shed light on the unfairness and corruption which affected a large number of workers (about 1,500) who had no support from their own government and no option but to do their best to keep their jobs.

Bloggers and activists targeted Spinneys' approximately 21,000 fans on Facebook using an ironic online campaign that showcased the real discounts the company is offering – in other words, workers' rights and wages.

Spinneys own advertisements were mocked and a call for a boycott was issued.¹² Many workers also



used social media to share their personal stories about their working conditions.

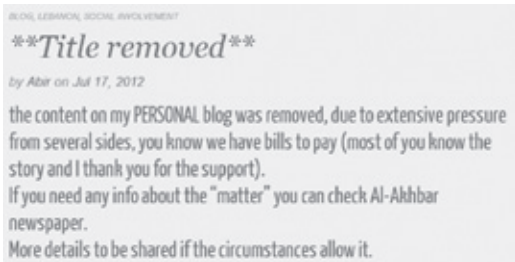
The campaign got the full attention of Spinneys CEO Michael Wright who in turn used social media and Facebook to uncover the identities of different

12 www.facebook.com/groups/331955206888302



activists and their work locations. Soon enough, Spinneys' powerful business connections were put to use and some activists received formal warnings from their employers on the pretext of "breaking company rules and blogging/Facebooking during work hours" or breaking their work contracts by "harming company interests".

Under the risk of losing their jobs, some bloggers were forced to remove blog posts and content from Facebook and agreed to stop their involvement in the social media campaign targeting Spinneys.



A counter social media campaign was launched by Spinneys to explain to the public the decision behind refusing the wage increase: Many people reported being contacted by Spinneys' CEO after doing simple things such as pressing "like" on a comment criticising Spinneys.¹³



Racha El Halabi

Just received this message so thought of sharing it with you :

Dear Ms. Halabi

I have noticed that you have "liked" on a comment on Facebook against Spinneys, no doubt due to a belief that we are abusing the rights of our employees based on the comments made.

However I consider that we have been badly miss-represented in this matter by Al-Akhbar and more recently by the Ex-Minister, for political reasons and without any reference to us on what has actually happened.

I thought it would be useful for me to explain our position to you and to leave it to you to decide if we have been unfair in what we have been trying to do.

In an interview with the *Daily Star*, Wright said the retailer would continue to expand in Lebanon despite "tough economic times that saw sales growth flattening for the first time last quarter, after four years of impressive double-digit growth."

He added, "In addition to regional troubles and local instability, ill-fated economic decisions, including a wage increase approved by the government last January, are behind Lebanon's economic slump."

The same article reports that "[b]etween 2006 and 2011, Spinneys experienced very high growth at above 20 percent annually in sales volumes" and "Wright dismissed accusations that the company has been infringing on labour rights [and that this is] politically motivated. He said the accusations are only rallying a handful of workers."¹⁴

A lot of buzz was generated due to the opposing social media campaigns by both sides and the subject gained considerable media attention on many TV stations and in newspapers – for example, in its Media Round-up, the Lebanese Transparency Association shared this case with its readers as yet another example of a corruption scandal to plague the government.¹⁵

Not everyone was behind the campaign, however. On the Lebanese blogosphere, Rami Fayoumi blogging on plus961.com shared his scepticism about the boycott campaign, stating that Spinneys is not the only company disrespecting the new wage increase.¹⁶ Similarly, Mustapha Hamoui blogging on beirutspring.com stated: "An online campaign is trying to shame a giant Lebanese retailer into paying more for its employees. This is a bad idea." Both plus961.com and BeirutSpring.com rank among the most influential independent bloggers in Lebanon.

¹³ www.facebook.com/groups/331955206888302/permalink/333635833386906

¹⁴ www.dailystar.com.lb/Business/Lebanon/2012/Aug-03/183221-spinneys-eyes-expansion-amid-tough-times.ashx#axzz23GrPhyZA

¹⁵ www.transparency-lebanon.org/index.php?option=com_content&view=article&id=85&Itemid=180&lang=en

¹⁶ www.plus961.com/2012/07/boycott-spinneys

At the moment of writing this report, this case is far from being resolved: currently the workers in Spinneys have a newly formed union and the debate continues online and offline.¹⁷

Conclusion

This story clearly shows that ICTs can be used to uncover corruption and fight it by different means, including public shaming and calls for a boycott.

Yet those same tools can be used to justify corrupt behaviour using well-crafted social media strategies and messages, and can be used to monitor activists and bloggers, uncovering their identities and then using different means to silence or pressurise them.

Dialogue can easily be sparked using social media, and facts about corruption and the people behind it can become well known in a short period of time. The main challenge remains in translating this knowledge and “online buzz” into real action. Mobilising to fight corruption means leveraging the potential of the “disorganised” online space and the strength of the effects of things like crowd-sourcing in a way that favours the work of activists.

Anonymity remains yet another issue to think about. While it offers good protection for activists against corrupt and powerful people and entities, it makes it harder to build an audience, trust and engagement (without at least subtly revealing identity). The difficulty is not in the technical requirements of being anonymous online, but rather in the tricky planning required to run a campaign effectively led by “no one”.

Fighting corruption works best on a case-specific basis – not just by addressing and discussing corruption as a general theme. Targeting a corrupt individual or company using a specially crafted campaign is effective due to the high level of pressure it generates and (hopefully) the high cost of loss of business and reputation.

Action steps

This story suggests different advocacy steps that are essential for the ICT activist:

- Fighting corruption should be addressed on a case-by-case basis and not only as an issue of general principles and ethics.
- Unlike other activist issues such as advocating for rights generally, an effective and targeted campaign against corruption will put you in a confrontation with “criminals”. Having a good strategic and even legal background on crime and criminals and a bulletproof game plan in this regard is a must.
- Data is created once and shared many times. This simple truth can be used to hide the identity of campaign organisers and make it impossible to find or hold responsible anyone running an anonymous account.
- Due to the increasing “social” properties of the internet, it is becoming a huge, free-to-access and easy-to-operate data mine about you, your work, career, family, friends and geolocations. This is why keeping track of your digital footprint is an increasingly important task as an anti-corruption ICT activist. ■

¹⁷ beirutspring.com/blog/2012/07/11/burning-spinneys-at-the-stake

**DiploFoundation**

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Introduction

Corruption has been one of the most prominent factors hindering economic development in the Arab world. Morocco has a long history of a lack of accountability and transparency of public services and administration vital in guaranteeing the citizen's right to have access to information and services without restrictions or lengthy bureaucratic procedures. The kingdom still ranks high on Transparency International's Corruption Perceptions Index.¹ Morocco is 80th out of 183 countries evaluated and the 10th most corrupt country out of the 18 Arab states. In 2011, 4,415 corruption court cases were filed around the country.²

The ranking of Morocco vis-à-vis corruption reflects the extent to which this phenomenon is deeply rooted in the country's ecosystem. The current status of corruption should ring an alarm for the authorities to prioritise addressing it in order to guarantee an accountable and transparent public sector, the prime investor in the country and the least trusted.

The reality of matters is that the recently elected government, in what are known as the most democratic and transparent elections following the Arab Spring, has chosen to bury its head in the sand about the issue. The main slogan of the electoral campaign of the Islamist party currently in power, Hizb Al-Adala Wa At-tanmia (Justice and Development), was the extinction of corruption in Morocco if they won the elections. However, a controversial answer by the elected head of the party and current Prime Minister Abdelilah Benkirane about the government policy against corruption during a recent interview with Al-Jazeera left the media and civil society baffled and outraged. He quoted a verse from the Quran that "God forgives what occurred in the past, and if anyone backslides, God will take revenge from him."³ The explana-

tions he provided did not appeal to the Moroccan audience; he sounded defeated and helpless with no concrete plans to eradicate corruption.

Citizen media websites and social media channels exploded with harsh criticism towards the prime minister's "strategy" and demanded that the head of the government should work on setting up a transparent and reliable legal mechanism to bring corrupt individuals to justice.

Anti-corruption legislative context

Morocco ratified the United Nations Convention Against Corruption in 2007 and established the Central Authority for the Prevention of Corruption in 2008, whose efficiency is limited since it is not entitled to investigate and prosecute corruption cases.⁴

The agency launched a website to stop corruption in 2009,⁵ and it is exclusively dedicated to corruption incidents related to public tenders and investment operations pertinent to small and medium-sized enterprises. However, only 600 corruption incidents were reported during the first year after it was launched⁶ – small enterprises generally refrain from denouncing corruption and are sceptical about the effectiveness of such mechanisms. A recent study on public tenders transparency conducted by the Moroccan Competition Council, which reports to the prime minister, concluded that 63% of the enterprises confirmed corruption still reigns in approving public tenders, while 44% of enterprises stated that it is still extremely difficult to access information about public tenders and they usually have to rely on their professional network to get the information needed.⁷

The National Agency for the Promotion of Small and Medium Enterprises, the Central Authority for the Prevention of Corruption and the General Confederation of Businesses⁸ lobbied the government to implement laws to inject more transparency in

1 cpi.transparency.org/cpi2011/results/

2 hespress.com/societe/50570.html

3 www.morocoworldnews.com/2012/08/50595/the-unbelievable-irresponsibility-of-mr-benkirane

4 www.transparency.org/whatwedo/pub/national_integrity_system_study_overview_morocco_2009

5 www.stopcorruption.ma

6 www.stopcorruption.ma/index.php?option=com_content&view=article&id=78%3Aq1a-corruption-est-bien-installee-au-marocq-&catid=37%3Aarticles-de-presse&lang

7 almassae.ma/node/49864

8 www.econostrum.info/La-corruption-est-bien-installee-au-Maroc-a7273.html

the Moroccan judiciary system and win the trust of foreign investors. In a recent survey carried out by Transparency International, 31% of the businesses interviewed confirmed that in the last 12 months their company had failed to win a contract or gain new business in the country because a competitor paid a bribe.⁹

In order to reinforce the legal mechanism to combat corruption, a declaration of assets law was approved in 2008 along with a law on the protection of whistleblowers. Yet the country has no law regulating conflict of interests between a minister's official functions and private activities. Ministers and parliamentarians are obliged to declare their assets, but declarations are not publicly available.¹⁰

Corruption in Morocco does not only affect foreign investments and the business sector; the normal citizen also suffers from the lack of transparency and accountability of the public administration which makes it difficult to have access to services that are an inherent right. Corruption extends throughout various sectors and levels, including the judicial system, police, land administration, licences, infrastructure and public utilities (education and health), and customs.

Sometimes the only way for a normal person to get served is to pay a bribe. Bribery is negatively perceived in the society, but it is widely accepted as in some cases it is the only resort to prevent hassle or to save time seeking a governmental service. People have no faith in the judicial system, so reporting bribes is not a common practice since incidents of corruption are widespread and the authorities are not able to absorb the problem.

Corruption, the internet and social media in Morocco

The widespread use of the internet in Morocco – and specifically social media and citizen media – have slightly changed people's perceptions about reporting bribery cases. It all started back in 2007 when an unidentified person called "Targuist Sniper" posted four amateur videos on YouTube¹¹ showing gendarmes stopping car after car to extract bribes. This incident triggered a new trend in society: it inspired other people to follow the same steps to denounce illegal practices of the police using the same method.

The outcome of the videos posted by the people has led to several arrests amongst the gendarmes

involved in bribery. It seems to be an effective way to prosecute any official caught red handed in the act of accepting bribes. It is now very common to read about "Targuist"-style arrests, yet the public is still concerned about the briberies that occur amongst higher-level officials and cannot be tracked and accounted for.

Many Facebook groups¹² have emerged to denounce corruption practices in Morocco.¹³ People have started taking initiatives to raise awareness about the phenomenon and its impact on the local economy from a citizen perspective. There are no signs that the government is taking these efforts into account; however, civil society is pushing forward by taking the lead role in mobilising the public to report on bribery cases using online tools. Transparency Morocco has recently launched a training programme for bloggers and social media enthusiasts at the local level¹⁴ who are interested in contributing in its mission to eradicate corrupt practices in the Moroccan administrative system.

Transparency Morocco is also championing an online website with a group of activists dedicated to mapping bribery in Morocco. Since it was established in January 2012, "Mamdawrinch",¹⁵ which means "we will not bribe" in Moroccan dialect, has received 109 bribery reports.¹⁶ The website also specifies the total amount of the bribes in the cases disclosed. The platform is quite useful for reaching people living in remote areas; however, it might be challenging to get an accurate picture of what is happening on the ground since the illiteracy rate in Morocco is 56.1%¹⁷ and there are also limitations of computer and internet access. Another challenge this platform is facing relates to its lack of public exposure and media coverage. Very few people know that such initiatives exist, hence the impact it has created so far is limited.

Civil society in Morocco is a legitimate candidate to advocate against corruption. Using new technologies and the internet as the main channel of outreach can tremendously boost its positioning as an effective stakeholder in eradicating corruption. Yet there are various obstacles that stand against mobilising the general public, namely the lack of government support and the lack of follow-up on such initiatives. Nevertheless, it could be too early to measure the impact created by platforms such as

9 www.transparency.org/research/bps2011

10 www.business-anti-corruption.com/country-profiles/middle-east-north-africa/morocco/general-information

11 www.youtube.com/watch?v=Z8RgWRmRtUc

12 www.facebook.com/pages/contre-la-corruption-aumaroc/158070820916805?sk=info

13 www.facebook.com/LutteContreLaCorruptionMaroc

14 www.facebook.com/TransparencyMorocco

15 www.mamdawrinch.com/main

16 As of 17 September 2012.

17 hdrstats.undp.org/en/countries/profiles/MAR.html

Mamdawrinch since it is still new. In the long run, it could eventually trigger citizens' integration in the anti-corruption policy-making process which awaits the lead of the Moroccan government.

The absence of online platforms powered by the government to report bribery cases directly has prompted the further interest of citizens in taking refuge using social and citizen media channels to divulge corruption cases and express their views about the phenomenon and how it should be tackled. One should question the reason why the potential of new technologies in combating corruption on a larger scale is still completely ignored by the government. Having an online anti-corruption mechanism and a reliable platform to denounce any illegal practices could have won back people's confidence in the Moroccan administrative system.

A rather shy effort by the government of Morocco to join the wave of open-data initiatives in order to reinforce the notion of public services transparency and the right to access information was the launch of a basic online platform including freely available electronic data.¹⁸ The website provides various ranges of statistics on the kingdom's key sectors. The website specifies that information is useful to researchers, journalists, private corporations or the public in general. However, the information listed is not frequently updated.

Integrating the use of new technologies, and more specifically the internet, while engaging the public in leading the battle against corruption seems to be the best strategy for governments. The information disclosed by citizens using online platforms to report on bribery cases could be used to map the sectors where corruption is widespread. It could also help centralise information and even engage the same people in suggesting new mechanisms or procedures to combat this phenomenon. Providing quantitative analyses of the cases reported can help gauge the knowledge gap and raise the public's awareness as to how much corruption costs a sluggish economy in a developing country like Morocco.

Conclusion

Although Morocco has been undergoing significant social and economic reforms during the last decade, the country still faces socio-political challenges. One of them is the widespread corruption at both the small and large scale including the country's political life. The concept of corruption is deeply rooted in the society and in people's

attitudes. People who pay bribes to get government services would justify their act and even call it a "gift" to make it sound acceptable. It makes it twice as hard to eradicate corruption if it is widely accepted in the culture.

Changing the public's perception and raising awareness about the negative impact of corruption on the economy is absolutely necessary in the case of Morocco. The Ministry of Education has recently launched an initiative in partnership with the Central Authority for the Prevention of Corruption to integrate a code of ethics in the schools' curriculum. The objective is to instil positive values at the heart of Moroccan society, using new strategies and educational programmes. This initiative is expected to foster the emergence of a generation able to fight against corruption and restore the principles of integrity and accountability in the society.¹⁹

Information and communications technologies (ICTs) have become an important pillar of democracy and human rights in a modern society. They expand citizen social mobilisation which can impact on policy and decision-making processes. They produce a better-informed and active citizen who is in a position to put pressure on national institutions to be accountable and responsive to citizens' needs and priorities.²⁰ Using ICTs is yet to be at the centre of the Moroccan government strategy to stamp out corruption. It is civil society organisations, citizen media and social media which are taking the lead in raising awareness about the issue and crowdsourcing information on bribery cases using the internet.

Action steps

Establishing a reliable and consistent e-governance mechanism allows individuals to exercise their political and civil rights and guarantees the accountability and transparency of the government, besides being a key tool in the fight against corruption.

Citizens must have a say in influencing or challenging public policies, monitoring the quality of public services, and suggesting a better way to handle procedures, since they are the ones directly affected by government decisions.

In the case of Morocco, using ICTs might not be the magic wand that will ensure more transparency and accountability on the part of the government.

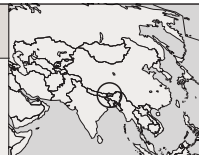
¹⁹ www.e-taalim.com/fr/institutions/institutions-education/maroc-lutte-corruption-education.html

²⁰ www.spidercenter.org/sites/default/files/Increasing%20transparency%20and%20fighting%20corruption%20through%20ICT.pdf

¹⁸ data.gov.ma/Pages/Apropos.aspx

However, policies ought to be adjusted for those technologies to play a role in the fight against corruption, and that includes:

- Mobilising and empowering citizens by providing an online platform offering centralised information on corruption and encouraging the public to report bribery cases.
- Establishing web-based portals which should include all the administrative procedures in place to improve public sector transparency.
- Utilising ICTs in launching campaigns about corruption to build capacity amongst citizens on what it means and to what extent it negatively affects the economy.
- Automating public service application processes and introducing tracking systems online and via mobile services to follow up on administrative procedures.
- Investing in setting up a solid and reliable e-government system to completely cut out the role of the government's "middle persons". ■



Kishor Pradhan

Introduction

In early October 2011 an incident took place at Tribhuvan International Airport in Kathmandu, Nepal, which succinctly illustrated how information and communications technologies (ICTs) such as mobile phones and the internet can be best used to curb corruption. The case in point was of a Nepali Sherpa woman who was travelling to the United States from Kathmandu with legitimate travel documents and a US visa, but who was not cleared for travel by immigration officials. The officials allegedly suspected the legitimacy of her passport and visa and demanded 150,000 Nepalese rupees (about USD 2,000) to allow her to travel. The Sherpa woman eventually succumbed to the immigration officials' demand, bargained the amount down to 100,000 rupees (around USD 1,500), paid it, and boarded the plane to the US.

Amazingly, when the young Sherpa woman was being questioned and harassed at the airport and asked for money to get immigration clearance, she had the presence of mind to secretly record her ordeal using the video camera on her mobile phone. A week after reaching the US, the Sherpa woman, with the help of local journalists in Kathmandu, organised a press conference through Skype and narrated her ordeal. Her story was covered extensively by the media in Nepal and was made available all over the web. The Prime Minister's Office (PMO) eventually reacted by looking into the matter, and ordered the Commission for Investigation of Abuse of Authority (CIAA) to investigate and punish the culprits. The CIAA, the apex constitutional anti-corruption body of the government in Nepal, immediately terminated the employment of the corrupt immigration official, and the case was further investigated.¹ In the past few years government agencies and civil society organisations in Nepal, such as the CIAA,² the PMO and Transparency International Nepal, which all work to fight corruption in the country, have adopted ICTs to solicit complaints and promote zero tolerance to corruption. Most of the anti-corruption government agencies and civil society organisations

have been providing public services that allow citizens to complain by email, SMS or telephone when they are subject to corruption.

Institutional and policy provisions

According to Transparency International's annual report, Nepal is the second most corrupt country in South Asia. The Corruption Perception Index (CPI) 2011 ranked Nepal in 154th position on the list of the least corrupt countries.

Nepal signed the United Nations Convention against Corruption (UNCAC) in 2003 and ratified it recently in September 2011. Nepal has also recently enacted an Anti-Money Laundering Act, Procurement Act, Right to Information (RTI) Act and Good Governance Act to fulfil the legislative prerequisites for UNCAC. The country is drafting further legislation including the Mutual Legal Assistance Act and Witness and Whistle Blower Protection Act to comply with the prerequisites of UNCAC. The RTI Act was enacted in Nepal in 2007 and to uphold it the National Information Commission was formed in 2008.

The CIAA website has an online complaint handling system which states that its objective is to make the complaint process more convenient, easy, efficient and secure for the general public.³ Similarly, if one visits the official website of the PMO, one will come across a menu item with the title of "Complaints/Suggestions". Clicking the link leads to a page where one can give feedback to the PMO online by filling out a submission form.⁴

Besides the CIAA, other institutional anti-corruption authorities or agencies in Nepal include the National Vigilance Centre (NVC). The NVC has been established to help raise awareness of corruption and engages in activities that will help prevent corruption. Its main purpose is to conduct oversight functions to ensure that public offices adhere to the principles of good governance and transparency. The NVC is responsible for monitoring income and asset disclosure by public officials. However, according to the Global Integrity 2008 report, the NVC has not been able to effectively monitor these disclosures due to the lack of strong political will and the inadequacy of governing rules and regulations.

1 A complete TV report on the incident can be viewed at www.youtube.com/watch?v=VBEohTij7vA

2 For further details on the CIAA visit ciaa.gov.np

3 For further details visit ciaa.gov.np/OC/index.php?language_type=1

4 The PMO's website can be accessed at www.opmcm.gov.np/en/

During the political transition in Nepal from a kingdom to a republic the Commission to Investigate the Wrong-doings of the Royal Government (CIWRG) was formed in May 2007. According to the Transparency International Report 2008, the CIWRG heard testimony from 200 ministers, senior civil servants, and army and police officers, including former vice-chairs and members of the Royal Cabinet. Other cases involving financial irregularities and corruption were further investigated by the CIAA.

The Office of the Auditor General (AG) as an anti-corruption authority carries out audits of accounts of all the public offices and public corporations, including government and ministerial agencies in Nepal. The constitution ensures the AG complete independence. The staff of the AG's office is recruited through the civil service commission. Audit reports are required to be made public. The audit institution is also engaged in advising on improvements of institutions and procedures within public administration. However, critics of the AG argue that audits are generally ineffective, that state auditors lack expertise, and that the AG's findings and recommendations rarely generate a prompt response from the institutions concerned.

In addition, the Public Accounts Committee (PAC) is a parliamentary special committee that was constituted in 2007 to provide oversight of public funds. The PAC's role is to conduct independent investigations of audit objections. However, according to the Global Integrity 2008 report, due to a lack of efficient staff and political will, its functionality is largely ineffective and the government often ignores the PAC's directives and seldom implements the reform measures suggested by it.

Provisions and practices

The case of the Sherpa woman using a mobile phone to record the corruption incident and later organising a press conference through Skype from the US is definitely an impressive example of how ICTs can be used for curbing corruption and making the authorities accountable. However, such an incident is an exception. It cannot be generalised that every Nepali citizen who is prone or subject to corruption would be smart enough to do the same, and there have not been that many similar cases which illustrate the use of ICTs in Nepal to curb corruption.

According to Iswori Prasad Paudyal, the spokesperson for CIAA, the commission's online complaint system has been operational for the past five years. On average about 100 complaints have been filed a year, which he feels is few given the volume of corruption incidents in Nepal. Of these about 20% to 30% are complaints made by individual citizens

subject to corruption. However, the complaints filed are seldom followed up by the complainants. Iswori says the ineffective use of the online complaints system could be because of a lack of awareness; a low level of access to computers and internet or online systems; fear of lodging complaints; and a lackadaisical attitude towards corruption, amongst others. He says that the CIAA has organised more than 300 workshops to raise awareness on using anti-corruption provisions like the online complaints systems, targeting more than 40,000 government officials, teachers, students and civil society groups. But the results have not shown the desired impact. He says the overall fundamental problem is political. The higher authorities in the government such as ministers, secretaries, political parties and other power players in Nepal should be proactive and serious about corruption control so that the provisions can be effective. The social mindset itself regarding corrupt practices also needs to change.⁵

As far as the complaints/suggestions link on the PMO's website is concerned, the IT Division at PMO informed me that people do use the feedback system to lodge complaints or provide suggestions to the government. However, how frequently it is used to lodge complaints or suggestions in a month could not be objectively ascertained, as the submissions by the public get forwarded directly to a configured email at the PMO secretariat and the data is not made available to public.

Another service called *Hello Sarkar* (Hello Government) – a hotline telephone service provided by the PMO to address various public grievances – has been operational since January 2012. A person can dial a number to lodge a complaint, fax, email or send a text message, or visit the PMO's website to receive the service. During the first four months after its launch, people lodged more than 4,600 complaints, of which 30% were effectively sorted out, according to Lila Mani Poudel, a PMO secretary who supervises the hotline service.⁶

The impact of the *Hello Sarkar* service has been noteworthy. Since it was started the media reported: "The impact of the much-talked-about *Hello Sarkar* public complaints hotline is being seen in one instance after another. Some 41 bus passengers in Itahari were able to recover Rs 6,150 fleeced from them by the bus owners on Saturday thanks to timely intervention by the *Hello Sarkar* team."

The saga of how the disgruntled passengers were able to recover their money is interesting. According to Narendra Gywali, an officer at the *Hello*

5 Based on personal conversation with Iswori Prasad Paudyal.

6 www.asianewsnet.net/home/news.php?id=28400&sec=1

Sarkar control room, one Tirtha Adhikary phoned up around 7:30 p.m. one Friday to say that “[a] passenger bus – Na 3 Kha 7140 – had forcibly collected an additional Rs 140 from each of the 41 passengers. The bus owners and conductor did us an injustice. We need your instant action and support.” The officials then discussed whom to contact to sort out the problem. They ended up contacting a police control room, asking them to address the problem through the local police without delay. The bus was en route to Kathmandu from Birtamod, Jhapa. Local police went into action following instructions from the central level and stopped the bus at Itahari. During an inspection, it was found that the bus owners had indeed collected additional money from the 41 passengers. Police had the Rs 6,150 refunded to the passengers and the bus driver was arrested. Immediately after that incident, there was another phone call at the Hello *Sarkar* control room, this one stating that another bus en route to Kathmandu from Jhapa was also collecting extra money from passengers. Officials again instructed police to punish the bus people. Police tried to identify the bus but it never came via that route. “The bus disappeared suddenly,” said an official.⁷

The executive director of Transparency International Nepal, Ashis Thapa, says that in their experience, a telephone hotline corruption complaint service that they have been providing is more popular than their online complaint system under their anti-corruption advocacy and lobbying programme. The cost for using the hotline service is covered by Transparency International. He says that 99% of corruption complaints that they receive are through the telephone hotline. Transparency International started the hotline service in 2009 and the online complaint system in 2010. However, Thapa does not rule out that the online complaint system can be effective. He says that with more campaigning, advocacy and awareness raising on the availability of the online complaint system, it can result in the desired impacts, since the number of people with access to the internet has been rapidly increasing in Nepal.⁸

In the case of RTI, a report published by the World Bank in January 2012 entitled “Implementation of the Right to Information in Nepal: Status Report and Recommendations” states that the “[i]mplementation of the right to information in Nepal – where the right has been guaranteed both in the Constitution since 1990 and by an act of Parliament

since 2007 – has so far been weak. On the supply side, public bodies have done little to meet their extensive obligations under the law: many have not even appointed dedicated information officers and most of the information subject to proactive disclosure under the law remains unpublished. On the demand side, the number of requests from both civil society groups and the general public has been low and there has been little pressure on public bodies to be more open. The National Information Commission (NIC), formed in 2008, has until recently been under staffed and under resourced, although that is starting to change.”⁹

Conclusions and action steps

There have been mixed experiences regarding the use of the internet in fighting corruption in Nepal.

As this report has suggested, telephone services are currently preferred by citizens when reporting on corruption. However, currently 50% of Nepali citizens have access to mobile phones. Because of this, together with the rapid growth of internet users and access to online services, it cannot be ruled out that in the near future the internet will play a substantive role to make a dent in curbing corruption in the country.

The following action steps can be suggested:

- Government and non-governmental agencies which are responsible for fighting against and acting on corruption should create effective links with internet service providers, telecom service providers and others to provide more user-friendly, accessible online services for online complaint systems.
- There should be more effective campaigns and awareness-raising efforts by both the government and civil society regarding the use of the internet to fight corruption.
- Public Internet Centres, like the Public Communication Offices, could be set up by the government in collaboration with non-governmental organisations to facilitate access to the internet at a subsidised cost to the general public.
- Donors and civil society in Nepal need to proactively lobby for formulating a proper e-governance policy that incorporates the use of ICTs for good governance and fighting corruption. ■

7 texasnepal.com/news/hello-sarkar-restores-rs-6150-to-fleeced-bus-passengers

8 Based on personal conversation with Ashis Thapa.

9 The complete report is available at www.freedomforum.org.np/content/attachments/article/114/RTI-Report-Nepal%20World_Bank.pdf



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Introduction¹

A US diplomatic cable, classified as “secret”, reports on a briefing given to the US ambassador in an emerging oil country in connection with a meeting that was held with a senior executive of a multinational oil company in February 2009. During a discussion of the high level of corruption in the oil state concerned, the senior executive gave the example of a bribery demand by the country’s attorney general: that he would sign a required document only if paid USD 2 million immediately, and another USD 18 million the next day. This cable was one of the of 250,000 US State Department cables released by WikiLeaks in 2010. WikiLeaks is an international, online, self-described not-for-profit organisation publishing submissions of secret information, news leaks, and classified media from anonymous news sources and whistleblowers.² As a result, Julian Assange, the (former) spokesperson and editor-in-chief of WikiLeaks, has come under severe scrutiny for his controversial decisions to release these documents and is currently hiding in the Ecuadorian embassy in London to eventually avoid extradition to the US via a primary extradition to Sweden where he is suspected of rape and sexual molestation.

The virtual whistleblower

Secrecy is often controversial, depending on the content of the secret, the group or people keeping the secret, and the motivation for secrecy. Secrecy by government entities is often perceived as excessive or in promotion of poor operation. However, excessive revelation of information on individuals can conflict with virtues of privacy and confidentiality.

Most nations have some form of an official secrecy act (such as the Espionage Act in the United States) and classify material according to the level of protection needed. Similarly, organisations ranging from commercial multinational corporations to non-profit charities keep secrets for competitive advantage, to meet legal requirements, or, in some cases, to deliberately and inappropriately conceal bad practices. New products under development, unique manufacturing techniques, or simply lists of customers are types of information lawfully protected by trade secret laws. Other laws require organisations to keep certain information secret, such as medical records or financial reports that are under preparation to limit insider trading. The European Union and its member states have strict laws about data privacy and data protection.

Besides simply blocking the WikiLeaks website (which could be perceived as censorship resembling similar actions in China, Russia³ and North Korea), the US Department of Justice still wants to prosecute Assange for his actions in releasing classified data. However, charging Assange will prove difficult because he merely published the documents that were allegedly provided to him by US Army soldier Bradley Manning. While Manning is currently in military prison and has been charged with illegally downloading the leaked files, Assange’s defence will be that he is protected by the First Amendment to the US Constitution.⁴ More importantly, and in spite of the characterisation of the leaked documents, it will be interesting to learn what the competent authorities will do with the express or implied allegation of bribery or bribery demand as mentioned in the referenced cable.

Similar constraints apply to private whistleblowers, for example, in the business environment. In the past, many good faith whistleblowers were retaliated against by their defensive employers, or lost in court on the argument of having disclosed company secrets and/or infringed or disturbed the mutual trust and professional relationship.

1 Parts of this article were first written in connection with the Dutch National Compliance Debate 2011 organised by the Dutch law firm Houthoff Buruma. See: www.houthoff.com/fileadmin/user_upload/Popular_Topics/National_Compliance_Debate_2011.pdf
 The editor has provided unconditional approval to use all or part of this article for GISWatch.

2 www.wikileaks.org

3 On 11 July 2012 Russia’s parliament passed a controversial bill allowing the government to block blacklisted websites.

4 The First Amendment protects the rights to freedom of religion and freedom of expression from government interference. Freedom of expression consists of the rights to freedom of speech, press, assembly and to petition the government for a redress of grievances, and the implied rights of association and belief.

Nowadays, encouraged by huge corporate scandals (Enron, WorldCom, Ahold, Parmalat, etc.) and subsequent societal outrage, many, in particular developed countries, have enacted whistleblower laws or improvements thereof. In the framework of more transparency, fair disclosure and accountability, some countries even allow anonymous whistleblowing, while retaliation against employees is strictly forbidden. This process can be effectively facilitated and implemented by, for example, 24/7 online software-as-a-service (SaaS) solutions⁵ which enable communications between the employer (or its independent designate) and the anonymous employees in any language through, amongst other features, unique coding and translation programs.

At the extreme end of the spectrum, the Whistleblower Rules were enacted in May 2011 as an integral part of the US Dodd Frank Act, providing for a “bounty” of 10% to 30% of the aggregate monetary recovery from government enforcement actions for whistleblowers who voluntarily provide the Securities and Exchange Commission (the US watchdog of publicly listed companies) with original information about potential violations of the federal securities laws. These need to lead to a successful enforcement action resulting in sanctions of USD 1 million or more. In April 2012 a whistleblower received USD 21 million for triggering a successful federal inquiry into Medicare fraud at his former Florida employer.

Where whistleblowers still should be concerned (as even anonymous whistleblowers can sometimes easily be unveiled, in particular in smaller organisations),⁶ corporations and government institutions should not. Whistleblowers (except those who act in bad faith or disgruntled employees who incorrectly want to settle an old score) will eventually protect a company against infringement, prosecution or conviction. The companies should accept the challenge to be(come) compliant and embrace a compliant culture. Not cosmetically in words and documents, but in hearts and minds. Besides, it enhances the possibility that the whistleblower will report the matter internally rather than (immediately) going to the external authorities, the

media or WikiLeaks. It is noted that not only the whistleblower should be protected against retaliation, but also the alleged accused person and/or corporation should be considered to be innocent until proven guilty.

Unfortunately, many reputations have been damaged on the mere accusation of wrongdoing. In the European Union there is a tendency to subject whistleblowing to a proportionality test⁷ in relation to the envisaged aim, which can be based on four elements, namely:

- There must be a legitimate aim.
- It must be suitable to achieve the aim (potentially with a requirement of evidence to show its justification).
- There must be no reasonable alternative to achieve the aim, considering the risk of exposure of the whistleblower.
- It must be reasonable, weighed against the severity of the alleged wrongdoing and the potential damage to the target.

Why does (sustainable) compliance matter?

The Greek philosopher Plato (427 BC-347 BC) had already the wisdom to say that “good people do not need laws to tell them to act responsibly, while bad people will find a way around the laws.” In the King Report on Corporate Governance for South Africa (2002) it was noted that “you cannot legislate a company into good behaviour.”

Compliance is one of those catch-all terms that mean different things to different people. Compliance with what? The strict definition of compliance in legal terms could be confined to “fulfilling of internal and external laws and regulations”,⁸ while compliance risks refer to “the risk of legal sanctions and of material, financial and/or reputation loss”.⁹ Over time the term compliance has gone beyond what is legally binding and has embraced broader (self-regulatory) standards of integrity and ethical conduct.¹⁰ Matten and Crane opine that “business ethics can be said to begin where the law ends.”¹¹ Consequences for the company for non-compliance can range from dawn raids, lengthy investigations,

5 www.saas.com

6 According to the US Ethics Resource Center (ERC), retaliation against workplace whistleblowers was rising in 2011, due to “increasing levels of stress at workplaces in transition because of the sluggish economy, mergers, and other disruptive events.” More than 22% of employees who reported workplace misconduct in 2011 said they also experienced some form of retaliation, compared to 12% in 2007 and 15% in 2009, the ERC said. www.ethics.org/news/retaliation-against-whistleblowers-rising-faster-reporting-ethics-resource-center-reports

7 Craig, P. and de Burca, G. (2001) *EU Law: Text, Cases and Materials* (5th ed.), Oxford University Press, Oxford, p. 526.

8 KPMG (2008) *Anti-bribery and Anti-corruption Survey*.

9 Basel Committee on Banking Supervision (2005) *Compliance and the Compliance Function in Banks*, Bank of International Settlements. www.bis.org

10 Vereniging Compliance Officers (2005) *Professional Competency Profile (Version 2)*. www.vco.nl

11 Crane, A. and Matten, D. (2007) *Business Ethics* (2nd ed.), Oxford University Press, Oxford.

substantial fines, void and unenforceable agreements, civil actions and third party damages, management, accounting and legal costs, loss of tax credits and government contracts, bad publicity and damage to a share price. Exposure for individual employees can entail prison, high fines, director disqualification, disciplinary offences/loss of job and harm to personal reputation.

Depending on the vision, goals and resources a company can decide to strictly comply with the minimal legal and regulatory requirements on the one end of the spectrum (“keep me out of jail”) through the full breadth of compliance with guiding principles and codes of ethics on the other end of the spectrum, encouraging behaviour in accordance with the letter and the spirit thereof (“create a competitive advantage”). The latter is founded on a sound corporate culture and underpinned by a set of comprehensive assurance procedures and joint ethical values such as honesty, integrity, professionalism, teamwork and respect for people. The first, strict category might, on the other hand, allow the export of drugs which are (still) unapproved in the country of manufacturing to be used by the citizens of foreign nations where the local legislation does not prohibit them, in spite of possible noxious side effects. The full breadth category would dislike the ethical difficulty of creating a double standard which would legally allow such export that had not yet been determined safe and effective for use in the company’s own country. Ethical values and legal principles are usually closely related, but ethical obligations typically exceed legal duties. In some cases, the law mandates ethical conduct. Sometimes the law does not prohibit acts that would be widely condemned as unethical. And the contrary is true as well: the law also prohibits acts that some groups would perceive as ethical.¹²

The advantages of ethical behaviour may include: higher revenues through higher demand from positive consumer support, proved brand and business awareness and recognition, better employee motivation and recruitment, and new sources of finance – for example, from ethical investors.¹³ The US Corporate Executive Board (CEB) surveyed about 130 companies for the level of integrity within their corporate cultures and found that companies scoring the highest marks outperformed those with the lowest by more than 16 percentage points when it came to shareholder returns. The top quartile of companies surveyed averaged a 10-year

total shareholder return of 8.8%, while the bottom quartile averaged a loss of 7.4%. What these results demonstrate is that not only does an emphasis on corporate integrity make money over the long term, but a lack of corporate integrity will cost a company money over time.

The way compliance is organised and underpinned can vary between rules-based, risk-based and values-based regulations and combinations thereof. Scandals in the area of corporate governance in the US (Enron, Tyco, WorldCom), Italy (Parmalat) and the Netherlands (Ahold) led to strict regulations (i.e. the rule-based Sarbanes Oxley Act of 2002) in the US and corporate governance codes (i.e. primarily based on principles and with less binding legislation) in Europe. It depends on all kind of aspects in the area of corporate governance and societal aspects. Some countries believe that value-based systems eventually provide better results than carving every rule in stone. The stakeholder-focused Dutch “Poldermodel” has a different approach and prioritisation than the shareholder-focused Anglo-Saxon model. Most civil law jurisdictions around the world favour the use of principles and guidelines and extend a belief and trust in their organisations to subscribe to such principles. Such faith also leaves the vigilance of good practice to the larger community, and leaves unclear the specific consequences, assuming that public exposure of non-compliance with these principles will result in significant loss of face and credibility.

In the US, there is a tendency not to extend such trust, and instead to develop and insist on compliance to a specific set of rules. In such a system the consequences of non-compliance are clear, and supposedly swift, yet restricted to the jurisdiction of the regulatory body. Unfortunately, a rules-based approach also tends to encourage some to play games with the rules, to find loopholes in the rules, and to find ways around the rules.

“Do as I say, not as I do” commands may result in an ineffective environment. The worst situations occurred when management participated in highly questionable business practices and the board of directors turned a “blind eye”. What really counts in the end is substance over form.

Conclusion and guidelines for action steps: Noblesse oblige

The French phrase “noblesse oblige”, literally meaning “nobility obliges”, is generally used to imply that with wealth, power and prestige come responsibilities. In ethical discussions, it is used to summarise a moral economy wherein privilege

¹² Anstead, S. M. (1999) *Law Versus Ethics in Management*, University of Maryland.

¹³ Baumhart, R. (2010) (revised) What is Ethics?, *Issues in Ethics*, 1 (1) (Fall 1987).

must be balanced by duty towards those who lack such privilege or who cannot perform such duty. It also refers to providing good examples of behaviour and exceeding minimal standards of decency. Consider compliance not a threat or nuisance but an opportunity for a sustainable competitive advantage. Compliance can turn around harmful exposure and surprises into controlled risk mitigation and damage control. Besides, compliance can have a positive impact on employees' attitudes and behaviours and may attract talented people. The major stakeholders will likely perceive compliance as a benefit and certainly non-compliance as a huge liability, both in terms of monetary damages and loss of reputation.

Many public multinationals listed in both the US and the Netherlands apply a mixture of rules, principles and values, in combination with a solid internal control framework that can help management to determine how much uncertainty is accepted. This also helps to determine how the risks and opportunities deriving from this uncertainty can be effectively managed in order to enhance the capacity to build value. Besides this, the multinational must have:

- A robust, “breathing and living” compliance programme

- Regular, iterative, live and online training (with ethical dilemmas and actual cases)
- Enforceable contractual anti-bribery provisions
- Intermediary or business partner certifications
- Red flag scenarios
- 24/7/365 anonymous complaint opportunities
- Monitoring
- A thorough and relentless incident management system.

Multinationals can make much of this information available online to their stakeholders (such as employees, supervisors, shareholders, societal community, civil society, regulators, etc.) as appropriate and publicly report on the statistics, improvements, gaps and opportunities to meet the criteria of good corporate governance, transparency, corporate social responsibility, sustainability and stakeholder accountability. Many can be implemented using innovative technological solutions.

Where norms may have been developed on a foundation of values, the maintenance of norms is an essential component of risk mitigation through educating, motivating (“carrot”) and disciplining (“stick”) employees as necessary. ■

NIGERIA

USING ICTS TO CHECK CORRUPTION IN NIGERIA'S OIL INDUSTRY



Fantsuam Foundation

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Introduction

On 1 January 2012, the Petroleum Products Pricing Regulatory Agency (PPPRA) announced the withdrawal of a petroleum subsidy with effect from that day.¹ This had been preceded by months of dialogue between government and civil society, and the government indicated a willingness to explore further multi-stakeholder dialogue before any subsidy withdrawal implementation. The sudden withdrawal was therefore considered to be in bad faith and civil society reacted with widespread work stoppages, nationwide. The government was taken unawares by the scale of public discontent following the withdrawal, and quickly announced some palliative measures while the lower house of legislature set up an ad hoc committee to investigate the issue of petroleum subsidy, which had become a perennial challenge with successive Nigerian governments.

The lower house's investigation revealed monumental corruption in the oil industry and undermined all the rationale for withdrawal of the subsidy. The matter was further compounded when electronic evidence emerged of bribe taking by members of the investigating committee.

Policy and political background

From the beginning of military rule in Nigeria in 1966, successive Nigerian governments had announced a removal of the subsidy on petrol. Removal of the petroleum subsidy seems a cost-effective and quick means to mobilise government funds. However, there has never been an in-depth investigation into the rationale of the oil subsidy removal. The government's standard explanation has always been that the removal will lead to the availability of resources to improve the living standards of Nigerians. However, over the years, living standards in this oil-producing nation have continually slipped; Nigeria now ranks 156th out of 187 countries on the

Human Development Index,² and Transparency International's Corruption Perceptions Index 2011 has ranked Nigeria 143rd out of 183 countries.

The upper legislative chamber, in November 2011, had set up the Joint Committee on Petroleum Resources (Downstream), Appropriation and Finance to investigate the management of the fuel subsidy scheme as a result of the government's extra-budgetary spending on the subsidy. The investigation by the lower house in the wake of the widespread civil discontent following the sudden withdrawal of the subsidy in January 2012 discovered large-scale fraud involving many of the stakeholders of the subsidy value chain: this included officials of the Ministry of Petroleum Resources, Nigerian National Petroleum Corporation (NNPC), Department of Petroleum Resources (DPR), Petroleum Products Marketing Company (PPMC) and the PPPRA.³

Taking the oil battle online...

The monumental corruption discovered in the Nigerian oil industry is best understood within the context of the global economic crisis. This was the period when entire nations (Greece, Ireland, Iceland, Spain, Italy, etc.) had gone bankrupt and had to receive large bailouts from the International Monetary Fund. In every one of these failed economies, the immediate reactions of the leadership have been to impose harsher economic sanctions on an already hard-up population. In Nigeria, the Central Bank had raised an alert that the country was not immune from the raging global economic crisis, and along with the Ministry of Finance, had provided the rationale for the removal of the petroleum subsidy. The implications of a 130% hike in the cost of fuel on a nation that has a youth unemployment rate of 45% and a loss of over 1.8 million jobs within a decade did not feature in the Nigerian leadership's calculations. This followed a similar pattern in the reaction of governments in countries that had gone bankrupt across the world.

A coalition of civil society groups in Nigeria had questioned why, as a member of the Organization of the Petroleum Exporting Countries (OPEC), Nigeria

1 saharareporters.com/news-page/nigeria-announces-removal-petrol-subsidy?page=5

2 hdrstats.undp.org/en/countries/profiles/NGA.html

3 www.informationnigeria.org/2012/04/storm-gathers-over-subsidy-probe-oil-chiefs-may-face-trial.html

has the highest cost of petrol per litre and is the only member that imports 80% of its refined petroleum products.⁴ This situation has developed over the years due to failure to invest in the refinery and maintenance sector of the petroleum industry, despite the regular announcement of funds allocated for turn-around maintenance of the existing refineries.

The mainstay of opposition to what is perceived as a widespread lack of transparency and accountability on the part of the Nigerian government and its agencies in the oil industry has been Nigerian civil society. The government's repressive tactics have not dimmed their vocal and independent response to the Nigerian crisis.⁵ Their voices have been amplified by their access to the internet, and the government propaganda machinery has not matched their effective use of social media. There were whistleblowers who would release advance notices of the government's actions and they found ready partners in civil society. Nigerian civil society has also effectively linked up with Nigerians in the diaspora,⁶ such as the US-based Nigerian Democratic Liberty Forum (NDLF), making use of every opportunity to challenge visiting Nigerian officials.⁷

The spontaneity and nationwide spread of vocal discontent over the sudden removal of the petrol subsidy may have caught the government off guard. Previous mass protest had usually been at the instigation of the Nigerian labour movement. But the fuel protest had transcended such borders, and at a time when Nigeria was still under attack by fundamentalist Islamic terrorists, the protesters had a common cause that also transcended ethnic or religious divides. Reports were received of Muslims protecting Christian worshippers during the anti-government protests, and Christians doing the same for Muslims.⁸

The strident opposition of Nigerian civil society has helped to keep the oil subsidy issue in the lime-light and ensured the intervention of the legislative houses. The investigation by the ad hoc committee of the House of Representatives indicted the industry regulators, the NNPC and PPPRA, for their collusion with Nigeria's oil marketers who had been paid USD 255 million without making any supply

of petrol. The international dimensions of the oil subsidy fraud in Nigeria had been documented in a WikiLeaks release that showed that collusion by the Nigerian regulatory authorities led to the loss of over USD 300 million.⁹

To its credit, the House of Representatives had opposed President Goodluck Jonathan's plan to scrap the oil subsidy when he presented it in 2011, calling it "premature".¹⁰ Before the protests, government agents had informed the nation that there was a "cabal" that had misappropriated funds paid to subsidise fuel products. This admission by highly placed government officials that there was a fuel-subsidy syndicate was later confirmed when the Nigerian Senate released the names of individuals and companies that had received subsidy funds¹¹ and reported that they had subsequently refunded the amount they received.¹² The Nigeria Customs Service revealed that the fuel subsidy problem had its roots in the previous administration of President Olusegun Obasanjo and Adamu Ciroma, his finance minister.¹³ The government-run NNPC, which had the primary responsibility for the industry, has been ranked the world's least transparent state oil firm.¹⁴

It was the findings of the House committee that encouraged the federal government to institute its own investigations¹⁵ and demand that fraudulent marketers refund the subsidy payments they had collected.¹⁶

The oil subsidy saga has been further complicated by audiovisual evidence that linked key members of the fuel subsidy ad hoc investigating committee of the House of Representatives to attempts to subvert justice by receiving a bribe from one of the indicted oil marketers. Video and audio evidence of the bribe was placed in the public domain.¹⁷

4 saharareporters.com/news-page/occupy-nigeria-civil-society-labour-unions-engage-series-mass-action-january-2012

5 saharareporters.com/news-page/occupy-nigeria-jonathan-orders-arrest-femi-falana-tunde-bakare-dino-melaye-and-shehu-sanni

6 www.informationnigeria.org/2012/01/nigerians-in-diaspora-urge-prosecution-over-subsidy-graft.html

7 saharareporters.com/news-page/occupy-nigeria-protests-hold-washington-dc-and-new-york

8 www.weeklytrust.com.ng/index.php?option=com_content&view=article&id=8159:why-occupy-nigeria-protests-are-spreading&catid=40:cover-stories&Itemid=26

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10 premiumtimesng.com/news/3064-house-rejects-jonathans-plan-to-remove-fuel-subsidy.html

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12 premiumtimesng.com/business/97551-fraudulent-marketers-refund-subsidy-payments-fg.html

13 premiumtimesng.com/news/3488-customs-fingers-olusegun-obasanjo-adamu-ciroma-in-fuel-subsidy-s.html

14 saharareporters.com/news-page/6bn-fuel-subsidy-scam-international-criminal-court-asked-prosecute-indicted-nigerian-offic

15 www.newsnnet.com.ng/news/17/08/fuel-subsidy-fg-names-21-companies-under-investigation-alleged-fraud

16 premiumtimesng.com/business/97551-fraudulent-marketers-refund-subsidy-payments-fg.html?doing_wp_cron=1352841983.4810919761657714843750

17 premiumtimesng.com/politics/5869-farouk-lawan-agreed-to-send-third-party-to-collect-bribe-payment-new-audio-shows.html and saharareporters.com/news-page/fuel-subsidy-probe-oil-biz-magnate-femi-otedola-confirms-bribe-lawmakers-thisday-newspaper

While the police were still investigating the allegations of bribery, there was an unexpected fuel scarcity in the country. The federal government claimed that the artificial scarcity had been caused by petrol marketers who had been indicted for corruption in the 2011 fuel subsidy scam.¹⁸

Conclusions

Although corruption appears to be rife in government affairs,¹⁹ Nigerians have shown courage and willingness to expose corrupt elements in the society. The entire fuel subsidy saga in Nigeria suggests that the various statistics being used to justify the removal of the subsidy were flawed. If a subsidy existed, it pales in significance when compared to the level of corruption in the industry.²⁰ The Economic and Financial Crimes Commission (EFCC) seems to have lost steam and is seen by many Nigerians as ineffective.²¹

The struggle for justice in the wake of the fuel subsidy removal has shown that Nigerian civil society may not always share the same interests and strategies with organised labour (the Nigerian Labour Congress and the Trade Union Congress). Civil society took exception to the way organised labour called off the first wave of civil disobedience without adequate consultation.²²

Civil society groups have continued to demand justice and the resignation of key government officials whose offices have been linked to the inefficiencies that led to the massive corruption found in the management of the fuel subsidy fund. So far the officials of the Ministry of Petroleum Resources and the NNPC have resisted the calls for their resignation.²³

Internet access and the expertise to deploy the whole range of social media – Twitter, Facebook, blogs, and photo- and video-sharing sites like Flickr and YouTube – have made Nigerian netizens a significant player in the exposure and civic activ-

ism against corruption in Nigeria.²⁴ Many of this generation of internet-savvy youth are under 35 and comprise more than 60% of the population of Nigeria. It was the netizens and their access to the internet that kept the various corruption issues in the public domain, beyond the reach of any government agencies. It was clear that citizens' access to information helped to minimise attempts by the government to withhold or distort information.

Civil society may have come out of this experience stronger and better equipped to monitor government actions. The misgivings of civil society, which were initially discounted by the government, now appear to be closer to the truth than any information coming from government sources.

It is now clear that the government takes notice of the various internet-mediated activities of Nigerian civil society. The background research for this report was conducted on the internet, while the author was living in a remote village that has no grid. The only requirement is access to the net. The core civil society activists have the skills and some resources to keep up the struggle against corruption in Nigeria. The evidence so far shows that they can win the battle.

Action steps

The high level of corruption in Nigeria could not have been exposed without the internet. Civil society, within and outside Nigeria, is largely responsible for digging up relevant information, disseminating it and keeping it in the public domain. Nigerians must continue to insist on access to the hard facts that can be used to bring corrupt people to justice.

The cost of internet access has not deterred Nigerians from ensuring their views are heard and disseminated through the internet. Nevertheless, lobbying for affordable access remains a civil society priority. There is a ray of hope that the optic fibre that is still lying idle at the Lagos port will be rolled inland to ensure affordable access for more Nigerians. ■

18 premiumtimesng.com/news/96720-indicted-marketer-instigating-fuel-scarcity-fg.html and premiumtimesng.com/news/96860-government-vows-more-action-against-rogue-marketers-despite-fuel-scarcity.html

19 saharareporters.com/letter/corruption-%E2%80%993-nigeria%E2%80%995-37th-state

20 premiumtimesng.com/business/96716-exclusive-nigerias-biggest-oil-fraudsters-the-worst-subsidy-scam-ever.html

21 saharareporters.com/report/weak-efcc-and-endemic-corruption-pm-news-editorial

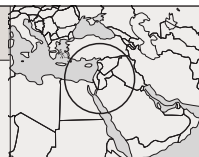
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24 saharareporters.com/column/nigerian-netizens-and-man-palm-oil-bling-bling-pius-adesanmi

OCCUPIED PALESTINIAN TERRITORY

LINKING CENSORSHIP AND CORRUPTION



Maan News Agency

George Hale

www.maannews.net

Introduction

Is withholding information from the public an act of corruption, in and of itself? The question is being posed with new urgency in the occupied West Bank, where an already contentious debate over freedom of speech collided this spring with the territory's nascent information and telecommunications policy.

In February, the Palestinian Authority implemented a secretive initiative to force internet service providers (ISPs) to censor news critical of the president, Mahmoud Abbas. But unlike in neighbouring regimes where internet users are aware of restrictions, Palestinian officials repeatedly denied censoring the web. They dismissed allegations from website administrators and told journalists the programme simply did not exist.

With the assistance of new censorship-detection technology, a team of journalists at the Bethlehem-based Maan news agency proved in April that it did exist. The ensuing outcry led to the resignation of a cabinet minister and inspired a presidential order putting an end to government censorship of the internet once and for all.

As a successful first trial of promising new technologies that can detect web filtering, the episode marked a turning point for online freedom of speech and access to information in the occupied territories. It also makes a compelling case for stepping up collaboration between ICT and media stakeholders everywhere.

Policy and political background

Palestinians have been ruled by rival regimes since 2007, when internal political violence split the West Bank and Gaza into separate administrations. Each has its own Ministry of Telecommunications and Information Technology, and policy coordination is virtually non-existent.¹ However, the West Bank-based Palestinian Telecommunications

Company, or PalTel, still provides most Gaza internet services.²

A reconciliation deal signed in Cairo in 2011 remains unimplemented due to differences about the makeup of a Palestinian unity government. Until then, the legislative council cannot consider legal reforms backed by much of the Palestinian media, and the ICT sector, who want realistic protections for freedom of speech and access to information. While there is no law expressly forbidding criticism of the government, Palestinians face many obstacles to free speech. Arrests and interrogations are commonplace. In Gaza, Hamas authorities censor culturally "sensitive" web content like pornography.³

Currently Palestine has neither an electronic media law nor a freedom of information act, but proposals are already drafted in the event a unity government is formed.⁴ Palestinian organisations campaigning for such reforms include Aman, the local branch of Transparency International, and Mada, the Palestinian Center for Democracy and Media Freedoms, a vocal press freedom group.⁵ Each month, Mada records known violations by Palestinian and Israeli forces in both the West Bank and Gaza.⁶

When censorship is allied to corruption

In its February report, Mada expressed concern about increasing security control over websites and social networking sites in the West Bank, among them two news websites it claimed had been blocked.⁷ Mada demanded that security services cease violations in line with the Palestinian Basic Law, which prohibits censorship of the media.⁸

According to the group, the news website Amad reported on 2 February that it was rendered unavailable in the West Bank upon the orders of the Palestinian attorney general, Ahmad al-Mughni. Website staff told Mada that al-Mughni had "ordered the Palestinian Telecommunications Company through an official letter to block the site from the West Bank. The site administration wrote several times to the attorney general

² www.paltel.ps

³ opennet.net/research/profiles/gazawestbank

⁴ www.article19.org/data/files/pdfs/analysis/palestine-2005.pdf

⁵ www.aman-palestine.org

⁶ www.madacenter.org/reports.php?id=13&lang=1

⁷ www.madacenter.org/report.php?lang=1&id=1147&category_id=13

⁸ Article 27.3 of the *Palestinian Basic Law*.

¹ www.pmtit.ps
www.mtit.gov.ps

requesting that he remove the block since it is in violation of Palestinian law.”

Then, on 9 February, the Milad news site claimed it too was being blocked upon government orders, Mada reported. “Official Palestinian authorities ordered the Palestinian Telecommunication Company to block the website in the West Bank and Gaza Strip without any legal justification,” administrators wrote. Both reports were unusual, and passed unnoticed, because the Palestinian Authority had maintained a relatively good record of keeping the internet unrestricted until this point.⁹

Moreover, senior Palestinian officials denied censoring the web in any form. When a journalist from Maan asked al-Mughni about allegations that he had restricted Amad and Milad, the attorney general responded, “I have no background on this issue.” Asked why sources at more than one ISP had claimed he handed them orders to block access to websites, he replied, “I am not the court.”¹⁰

Representatives of PalTel were similarly uncooperative, although company technicians said they feared retribution for talking to the media. Asked if PalTel subsidiaries were blocking any websites, a spokeswoman said, “We don’t do that.” But after consulting with her lead technician, she clarified that PalTel, like all Palestinian companies, is obliged to comply with official decisions in accordance with the law.¹¹ (PalTel’s top executive eventually issued a statement on the company’s policies.)¹²

Faced with repeated denials from government authorities and ISPs, and an ever-present threat of lawsuits often filed against Palestinian media, Maan sought assistance from network security experts based in the US and Italy. We predicted that proving the existence of censorship definitively – rather than simply repeating the claims of anonymous sources – might protect the network from retaliation and ensure the facts would be taken seriously by local experts.

Approached by Maan, Jacob Appelbaum and Arturo Filasto, two of the developers behind the online anonymity project Tor, remotely repurposed an old MacBook at a reporter’s West Bank apartment into a powerful tool for effecting ICT policy change and challenging state secrecy.¹³ On it, they installed a specially designed plug-in to scan networks for evidence of a certain type of web filtering. The plug-in confirmed independently and forensically what

Maan had been told by government sources who opposed censorship: PalTel, through a subsidiary, was misleading tens of thousands of subscribers by intercepting load requests and altering the output to return error responses.¹⁴ It was a common approach known as transparent HTTP proxy filtering.¹⁵

In late April, Maan published the first part in a series highlighting the findings. It concluded that eight websites were being blocked by Hadara, a company owned by the PalTel Group which claims 60% of the Palestinian internet market.¹⁶ The disclosures infuriated the local ICT sector and invited scrutiny from press freedom groups and foreign governments. The Palestinian communications minister resigned in disgust, leaving Attorney General al-Mughni little choice but to acknowledge his instructions to the ISPs.¹⁷ Soon after, President Mahmoud Abbas stripped the attorney general of authority to use web filtering as a judicial tool, and he dispatched al-Mughni to tell ISPs of the reversal.¹⁸ The websites have been operating normally since 6 May.

The episode was a successful first trial of the groundbreaking technologies being developed by Appelbaum and Filasto at the Open Observatory for Network Interference (OONI), a start-up they are referring to as a “human rights observation project for the Internet”.¹⁹ Part of the Tor Project, OONI is building “an accurate representation of network interference” around the world through the collection of data and observations about the “levels of surveillance, censorship, and networked discrimination by networked authoritarian power structures.”²⁰ It aims to accomplish this goal through open methodologies and free and open source software (FOSS).

The observatory’s expert developers hope that one day soon, the mapping and tracking of any country’s real-time filtering behaviour will be as easy as checking the weather. Its plug-in, the “OONI probe”, works by connecting multiple machines in separate areas onto a shared network.²¹ After installing the plug-in, large lists of websites – the Alexa top million is a default – can be tested by recording the information flowing between them. Any discrepancies in load time indicate that a

9 www.eff.org/deeplinks/2012/04/palestinian-authority-found-block-critical-news-sites

10 www.maannews.net/eng/ViewDetails.aspx?ID=478726

11 www.maannews.net/eng/ViewDetails.aspx?ID=479638

12 www.maannews.net/files/PalTel_CEO_250412.pdf

13 www.torproject.org

14 ooni.nu/media/releases/2012/Hadara_Palestine/hadara_palestine.yamlooni.tar.gz

15 ooni.nu/reports/2012/Hadara_Palestine.html

16 A ninth website was discovered over the course of reporting.

17 www.maannews.net/eng/ViewDetails.aspx?ID=480861

18 www.maannews.net/eng/ViewDetails.aspx?ID=482586

19 ooni.nu

20 opennet.net/blog/2012/05/tor-projects-ooni-tool-receives-positive-feedback

21 trac.torproject.org/projects/tor/wiki/doc/OONI/Methodology

connection on one part of the network may be experiencing interference by a third party.²²

The real-world implications of making such technical data widely available became apparent when the Palestinian communications minister, Mashour Abu Daka, resigned for “personal reasons” two days after Maan published OONI’s findings.²³ But Abu Daka went out swinging – he denounced the censorship and accused the attorney general of criminality no different from other kinds of misconduct like graft or bribery. “Withholding information from the public is a form of corruption,” Abu Daka said in a swipe at corruption inquiries that were being publicised at the time.²⁴ “The Palestinian people, who fought and lost innumerable martyrs, have a right to know what’s going on. What’s happening now is an attempt to play them for fools,” he said.²⁵

Abu Daka’s unapologetic defiance of the attorney general’s actions, and of his efforts to keep them relatively secret, paved the way for other officials in Palestine and abroad to express their own objections. Months of denial and misdirection suddenly fell apart as the attorney general was forced to admit and even defend the filtering plan to the media.²⁶ Although it was shuttered upon an executive order from Abbas, the decree came only after he had been subjected to sharp criticism from press freedom groups, the US, and officials in Ramallah.²⁷ Among the officials: his prime minister, a top PLO leader and the president’s own advisor for internet affairs.²⁸

Evidently, it was this exposure to criticism – rather than of corruption – that changed policy. ICT specialists for two of the censored websites had alleged censorship since February with no effect; it was not enough to simply uncover the facts. There is also evidence that some Palestinian officials who condemned the censorship in the spring had known about it for months but took no action.²⁹

The Palestinian Authority’s filtering of websites critical of Abbas was by its nature an action of privilege; it was also corrupt because there is no

transparent method of enforcing political censorship. Unlike in Gaza where Hamas blocks whole categories of supposedly societal taboos, such as pornography, the Palestinian Authority did not disclose its censorship of opposition content. If a public cannot know what is censored, there is no way to hold the censors accountable through traditional channels.

Indeed, the “internationalisation” of the controversy, and its role in achieving a positive outcome, is instructive for future efforts in internet and telecommunications policy reform. The partnering of OONI with local media proved decisive in the Palestinian Authority’s decision to stop filtering the web because it expanded the focus of technical data from a limited core of experts to the public at large. Once accessible to stakeholders in the media and international community, the issue became a policy priority for diplomats and foreign correspondents in the region who sought explanations from the government. According to Israeli media, the reversal was likely the result of criticism from the US, EU and foreign human rights groups. A Western diplomat and Palestinian officials said US and EU diplomats had contacted Abbas and his Prime Minister Salam Fayyad to voice their “deep concern”.³⁰

The US, in particular, took a firmer-than-usual tone with the Palestinian Authority, which is one of the top recipients of US development and security assistance. “We’ve had these concerns in other parts of the world, and we wouldn’t want to see the PA going in the direction that some of those regimes have gone in,” an official in Washington said.³¹ Others from the US State Department and White House visited Ramallah, the seat of the Palestinian Authority, and told Palestinian media why they backed an open internet, while the consul-general in Jerusalem reiterated the US position on World Press Freedom Day.³²

Conclusion

Only when sustained scrutiny was directed toward the Palestinian Authority did it back down from a dangerous plan to introduce unchecked web filtering. Public awareness was the result of joint efforts by members of sectors whose viability depends on an open internet. These stakeholders can build on the success and collaborate to protect the essential role of information access and the free flow of ideas in Palestine.

22 The Alexa list includes many relevant sites, but issue-specific or single-language lists may improve results depending on the region where the network being scrutinised is based. Importantly, the source code is freely available: github.com/hellais/ooni-probe

23 www.forbes.com/sites/andygreenberg/2012/04/30/the-tor-projects-new-tool-aims-to-map-out-internet-censorship

24 www.maannews.net/eng/ViewDetails.aspx?ID=480432

25 www.maannews.net/eng/ViewDetails.aspx?ID=480195

26 www.maannews.net/eng/ViewDetails.aspx?ID=480861

27 www.maannews.net/eng/ViewDetails.aspx?ID=482586

28 www.maannews.net/eng/ViewDetails.aspx?ID=480432

29 According to Abu Daka, the issue was raised at cabinet meetings where all present expressed opposition. And the attorney general, in one of his final attempts at defending the initiative in May, called those criticising him hypocrites as the plan was discussed in fall 2011.

30 www.jpost.com/MiddleEast/Article.aspx?id=268793

31 www.maannews.net/eng/ViewDetails.aspx?ID=479874

32 www.maannews.net/eng/ViewDetails.aspx?ID=482095

When a top official whose role is to modernise an open telecommunications infrastructure cannot continue serving in government in good conscience, the ICT sector has reason for pause. But when an entire cabinet is unable, or unwilling, to criticise a rogue assault on the foundations of that community – that is a crisis.

Although the attorney general ultimately failed to seize control of the internet, his plan harmed the ICT sector's reputation amongst investors. It portrayed the sector as amateurish and unstable, even though it is among the region's most progressive. To the media, it damaged the reputations of Palestinian journalists by presenting them as pawns of political elites, even though they are not. Fortunately, this encroachment failed due to joint efforts between the sectors. The rare success was an important precedent for collaboration in the spirit of protecting trade interests when they overlap.

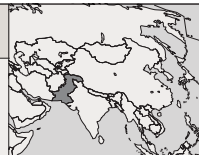
Palestinians who value transparency in government won an important victory this year thanks to a unique partnership between the ICT sector and local media. They already share common values, chief among them the pursuit of and access to information. Increased cooperation can boost overlapping interests as well as the fundamental mission shared by both sectors: making information available to the public.

Action steps

- Promote ICT policy priorities shared by the Ministries of Communication and Information Technology in the West Bank and Gaza Strip.
- Promote the implementation of an agreement signed in Cairo to dissolve bans, in place since 2007, on certain Palestinian media.
- Promote the ratification of a draft law protecting access to information that allows citizens to file timely freedom of information requests.
- Promote the enactment of an electronic media law that explicitly guarantees the right to publish information without interference or fear.
- Promote policies that protect whistleblowers and prohibit punitive actions against public and private employees who expose wrongdoing.
- Educate journalists and media workers about newly developed technologies to assist the detection of unauthorised network interference.
- Educate the ICT sector about the need to promote policy priorities in the general media, especially when they are shared and in the public interest.
- Encourage foreign governments to withhold security assistance to authorities who use their authority to stifle freedom of speech or access to information. ■

PAKISTAN

FAILURES OF GOVERNANCE...



Bytes for All Pakistan

Shahzad Ahmad and Faheem Zafar
www.bytesforall.pk

Introduction

Political crises, corruption, extremism, the war on terror, hostility with neighbouring countries and an immature democracy witnessed by the repeated imposition of martial law are the major reasons why Pakistan is lagging behind in almost all socio-economic development indicators on the Human Development Index, including health, security, education, poverty, income and gender equality.¹

Yet in many ways Pakistan offers an insightful study on e-governance and its implementation in a developing country – most importantly, given the rapid expansion of information and communications technology (ICT) infrastructure in the country over the last decade. In 2000, there were 2.3 telephone subscribers per 100 inhabitants; the number increased to 11.9 per 100 inhabitants in 2005, and then to an impressive 72.1 per 100 in May 2012.² According to the latest statistics there are approximately 29 million internet users in Pakistan, with a 15.5% internet penetration rate in the country.³ And as this report shows, corruption and mismanagement were key elements in the failure of setting up a successful e-government system.

Policy and political background

Governance is one of the major areas where Pakistani governments have struggled, largely due to the incompetency of lawmakers and massive corruption in the bureaucracy. Even the thought of interacting with a government department is a nightmare for an ordinary citizen in Pakistan.

Pakistan's performance in implementation of e-government development infrastructure is not satisfactory. According to the United Nations E-Government Survey 2012, Pakistan was ranked 131st in 2008 in the world e-government development index and fell even further to 146th in 2010 and 156th in 2012.⁴

At the same time, young people have found a new platform to interact, express their opinions and raise different concerns by using internet-based technologies. Approximately 65% of Pakistan's population is under the age of 25,⁵ and as the internet becomes a popular medium for a large chunk of the Pakistani population, attempts by the government to control it are also intensifying. Censoring/filtering the internet is typically done by authorities using different, vague excuses such as "national security", "religion" and "morality".

E-Government Directorate of Pakistan: The story of a failure

Providing good governance was always one of the most visible shortcomings of successive governments in Pakistan. As the use of ICTs witnessed a boom over the last decade, the government tried to use it as a remedy for its governance worries. A specialised department called the Electronic Government Directorate (EGD)⁶ was set up in 2002 under the supervision of the Ministry of Information Technology. The basic task of this department was to improve people-to-government interaction and make it convenient for citizens to contact, obtain information from, and provide feedback to the government.

Under the broad function of making people-to-government interaction more convenient by using technology, there were many steps which were proposed to give the EGD a direction and a proper vision to achieve its goals. Some of the important functions were:⁷

- Development of e-government projects
- Preparation and implementation of federal level e-government projects approved by the Ministry of Information Technology
- Introduction and supervision of the standards, blueprint and guidelines for e-governance
- Reduction in the cost of service to citizens by providing government information to the public through a government portal

1 hdrstats.undp.org/en/countries/profiles/PAK.html

2 www.pta.gov.pk/index.php?Itemid=599

3 www.internetworldstats.com/asia.htm#pk

4 unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpano48590.pdf

5 www.pakboi.gov.pk/index.php?option=com_content&view=article&id=128&Itemid=55

6 www.e-government.gov.pk

7 Arfeen, M. I. (2004) *Impact of E-Governance on the Economy of Pakistan - The Revolutionary Plan*. www.pide.org.pk/pdf/psde%2019agm/irfanullah%20arfeen.pdf

- Making all the forms of the departments, agencies and ministries of the government available to access and to submit online
- Giving citizens easy access to information on jobs, tenders and official gazette notifications, amongst other things
- Ensuring the availability of complete, correct and up-to-date information about ministries, departments and officials, including their contact information and qualifications
- Making it possible for citizens to use ICTs for the payment of utility bills and taxes
- The development of transparency in government-public interactions
- Improving the productivity of government employees by automating the routine functions of the government
- Making the process of interacting with government officials more responsive and less time consuming for citizens
- Enhancing the skills of government employees through training to enable the quick adoption of IT (all government officials are to be made IT literate)
- The use of ICTs to link government ministries/divisions/departments
- Facilitating the conversion of all official communication to email.

These were the main proposed functions and guidelines for the EGD project. Mentioning these functions is important to see how well the EGD has managed to deliver on its promises.

To further enhance the performance of the EGD, the government developed a five-year e-government plan in 2005.⁸ The plan targeted different areas of e-governance, including the development of basic infrastructure to link all government departments and ministries with the federal government's data centre, the development and implementation of standard software for internal communication, human resource, budget, and project management, document/file management, and for collaboration with the Ministry of Information Technology and other divisions. Other areas of work included developing agency-specific applications, e-services for citizens, developing an EGD framework and the creation of a productive and progressive environment to get the desired results.

8 unpan1.un.org/intradoc/groups/public/documents/apcity/unpano37732.pdf

The EGD's performance

After all these fancy promises, agendas and plans, the EGD's performance was never translated into something concrete on the ground in the shape of an e-governance infrastructure in Pakistan. Mismanagement, corruption and the lack of a sound footing and proper vision haunted the EGD from the very beginning.⁹

The management of the EGD compiled a list of 40 projects as a priority under the umbrella of introducing e-governance in government departments and ministries by digitalising the data and centralising the official databases, and creating a network between departments in order to get rid of the complex file culture. An amount of PKR 2.5 billion (USD 26 million) was allocated for these projects, but only PKR 1.14 billion (USD 11 million) was used in the following six years until June 2008.¹⁰ What the EGD achieved was that it created the websites for all the government ministries and departments – but there was no effort from its side to keep them functional. Email addresses, phone numbers, names and titles of officials are mostly outdated or wrong.¹¹ The very purpose of e-government is to facilitate the citizens' convenient interaction with government officials and departments, but this purpose was largely ignored, and just developing a website for a government department was considered enough to serve the purpose of the EGD.

To understand more about what exactly triggered this failure of the EGD to deliver, let's take a look at the Special Audit Report on the EGD: the report says that the funds allocated to the EGD were used inefficiently. For example, under the Federal Government Data Centre and Internet Programme, PKR 223 million (USD 2.3 million) out of PKR 493 million (USD 5 million) were spent on laying down fibre optic cable and other hardware equipment. The audit report says: "Huge expenditure has been incurred on laying fibre optic cables and procurement of hardware, which was not being utilised effectively."¹² The report further says: "Several projects were initiated, which either could not be completed or the infrastructure deployed was under-utilised. Consequently, government offices

9 Bukhari, I. (2011) Electronic governance project fails to deliver, *Pakistan Today*, 10 June. www.pakistantoday.com.pk/2011/06/10/news/national/electronic-governance-project-fails-to-deliver

10 Auditor-General of Pakistan (2011) *Special Audit Report on the Electronic Government Directorate (EGD)*.

11 Atta, A. (2010) Why Government Websites are Big #Fail, *ProPakistani*, 30 April. propakistani.pk/2010/04/30/why-government-websites-are-big-fail

12 Bukhari, I. (2011) op. cit.

have not leveraged information and communication technology effectively.”¹³

Leakages, lack of stakeholders’ involvement and control failures made implementation of the project objectives difficult for the EGD. The Special Audit Report further says: “Stakeholders were not adequately involved in project implementation despite the fact that such involvement was critical to the awareness, ownership and sustainability of automation initiatives.”¹⁴

Another instance of mismanagement and potentially even corruption concerned the project for the chief commissioner’s office, where PKR 80.4 million (USD 840,000) was allocated for the project, but only PKR 63 million (USD 660,000) was spent by June 2008 – at which point only two out of the 33 envisaged modules had so far been developed.¹⁵

The report also revealed that an expenditure of PKR 2.91 million (USD 300,000) was incurred due to a delay in a contract. The EGD had given the contract to the second-lowest bidder after the first-ranked bidder declined to supply at the quoted price. The prolonged delay resulted in the expiration of the bid’s validity, which caused a loss of PKR 2.91 million (the difference between the first and second lowest bidders).¹⁶

Other reasons for the failure of the EGD

The case of the EGD’s failure is a perfect example of how a lack of proper planning and vision can destroy an initiative which is otherwise very manageable – and is a practical attempt to use the country’s booming ICT infrastructure to improve the government’s ability to serve people.

After gathering some information from sources within the EGD, other reasons for the EGD’s failure were given:

- The EGD started off with the promise of completing a lot of tasks to improve the interaction between government and citizens. While what the EGD needed to do was clearly established in its plans, the important part of how to achieve these plans was either very weak or missing.
- Due to a weak implementation strategy for the EGD’s projects and tasks, the department was unable to secure a sound footing in the project from the start.
- Political interference in the matters of the EGD played a big role in its failure. The new

appointments as chairman to the EGD made it difficult to have a constant flow in the policies and implementation of the EGD’s projects.¹⁷

- The improper utilisation of funds remained a big issue. The main problem was not getting the money, but properly using it for the right projects with proper planning.
- A lack of technical know-how at the managerial level was another weakness which resulted in the failure of many of the EGD’s projects. There was less emphasis on training of employees and managers and more on making them do tasks they were not trained to do.
- Contract-based employment was another issue which worsened the situation at the EGD. Most of the employees were hired on contracts and not as full-time employees. This policy resulted in making employees concerned about their job security and had a negative effect on their performance.
- The whole system of e-governance is to facilitate the citizens, but citizens were never involved in any kind of decision making regarding what kind of facilitation they wanted and how ICTs could best be used to interact with government departments and ministries.

Conclusion

The EGD was established to take advantage of ICT infrastructure in Pakistan. The boom in telecommunication services and expanding internet infrastructure was an ideal platform for a specialised department like the EGD to perform. But the failure of the EGD to implement a proper e-governance system is an important indicator of the damage that corruption and mismanagement can inflict.

The EGD initiated many projects; it was successful in providing nearly all ministries and government departments with an online platform in the shape of websites and portals. What went wrong was that these websites and portals were unable to achieve what they were supposed to achieve. The EGD considered its duty finished after providing a website to each ministry and government department, and completely ignored the real work of keeping those websites up to date and functional. Today, in Pakistan, citizens are still awaiting a proper website where they can contact government officials or get information regarding any government ministry or department.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Auditor-General of Pakistan (2011) op. cit.

¹⁷ Transparency International Pakistan (2010) Minister suspends EGD chief for “illegal recruitments, fraud”, 6 June. www.transparency.org.pk/news/newsdetail.php?nid=556

The EGD's failure was the result of many wrongdoings, which mainly include:

- Improper utilisation of funds due to corruption and negligence
- The lack of a sound operational foundation
- Political interference, which resulted in a constant change of management at the EGD
- Contractual weaknesses
- The lack of well-defined strategies to accomplish goals
- The absence of end users having a say in the planning phase.

Action steps

A few recommendations for the EGD:

- Transparency is very important for any department. The EGD suffered because of a misuse of funds. This shows how critical it is to have a proper system of checks and balances when it comes to managing finances.
- It is important to provide a sound footing to a department to ensure its effectiveness. A properly defined vision for the EGD with a proper structure and policies is the first step to turn it into a successful organisation.
- Providing goals and telling a department what they are supposed to do is important, but it is much more important to define proper strategies which will govern the functionality of a department. The vision was there for the EGD, but there was no strategy to successfully implement the projects and ultimately achieve the proposed goals. It is important to take this issue of strategy seriously.

- Political interference at the EGD impacted negatively on the progress of the department. To ensure the success of a department it is important that leadership provides constant support without changing its policies every few months due to a change in management for political reasons. There must not be any kind of political interference in the matters of the EGD.
- It is essential to involve the end users in the process of decision making by seeking their support and suggestions regarding improving the system and giving them a sense of ownership.
- Proper training of managers and employees of the EGD is essential. Placing the right person in the right job is important. The EGD suffered because of the lack of technical know-how of its employees. It is highly recommended that the organisation provide all the relevant training to employees and management to run the department more effectively. ■

PERU

ACCESS TO PUBLIC INFORMATION, TRANSPARENCY AND CITIZEN PARTICIPATION IN PERU



Red Científica Peruana (RCP) and Consorcio para el Desarrollo Sostenible de la Ecorregión Andina (CONDESAN)

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Introduction

In 2000, the process of democratic transition and institutional strengthening began in Peru, after ten years of authoritarian government which was marked by corruption and the dominance of the economic interests of powerful business groups and individuals. During this period the country's democratic institutions were dismantled, the media was bought, and opposing voices were persecuted. In this context, maintaining a "culture of secrecy" was the key for those who were in power, and this secrecy was secured using ill-gained money, sometimes from public funds, and at other times from illicit drug and arms trafficking, all of which included different levels of corruption.

When the regime of Alberto Fujimori came to an end, all the political parties and the representative institutions of civil society were invited to form the National Agreement, a process of dialogue and consultation to define a national development strategy. The Truth and Reconciliation Commission was formed, and the importance of transparency in the actions of the state and the right to access to public information were recognised.

This report describes the progress made by Peru regarding access to public information, transparency and citizen participation, highlighting cases which have used the internet and other information and communications technologies (ICTs) to facilitate these processes.

Transparency and access to public information

Institutional framework

The Peruvian Constitution (article 2, paragraph 5) recognises the fundamental right of access to public information. The legal development of this right corresponds to the Law on Transparency and Access to Public Information (Law No. 27806) of July 2002. The implementation of this law has meant significant changes in the functions and organisational

structure of many public entities, since it establishes a procedure for access to public documents, and obligations, exceptions and responsibilities of the entities who manage the information.

According to the law, the Vice-Ministry of Public Management at the Presidency of the Council of Ministers is responsible for formulating, coordinating, monitoring and evaluating policies to do with access to public information, promoting ethics in public service, transparency and citizen monitoring. The vice-ministry must monitor public entities' compliance with the law and report annually to the Congress of the Republic.

The citizens' right to access information of public interest is protected by *habeas data*, which is a legal recourse against any public officer who violates or threatens the right to access to public information. In Peru, however, the right to public information is restricted because it does not allow access by third parties to private data, in order to prevent extortion and to preserve the secrecy of trade data.

State initiatives

Portals for transparency

The Law on Transparency and Access to Public Information obliges all national, regional and local government entities to implement and manage websites for the dissemination of information of public interest, such as public investment projects, budgets, personnel, contracting and procurement information.

During the first years of implementation, there was a progressive step forward in compliance on the part of both the national ministries and regional and local governments. An assessment made by the group Propuesta Ciudadana (Citizen Proposal) in 2009 showed that the number of portals has increased since 2007, and the quality of the information offered has improved considerably.¹

However, although the portals offer considerable data on the institutional budgets, data related to income and salaries of public officials is still poor and outdated.

In June 2010, to standardise compliance with the law, the Vice-Ministry of Public Management issued Supreme Decree No. 063-2010-PCM, which approves

¹ Interview with project leader Katia Sotomayor.

the implementation of a “transparency portal” web page. Progress in the implementation of this new regulation has been slow. An assessment prepared by the Office of the Ombudsman in 2011 shows that only the provincial government of Huamanga has implemented its website 100%. It has also been observed that there is no synergy between the information published by regional governments and municipalities on their institutional portals and information offered on the transparency websites. These levels of government prioritise information dissemination on the institutional portals, which do not facilitate a citizen’s search for public interest data.

Comun@s Project

With the aim of expanding access to public information, strengthening the management of local governments and expediting the provision of services in rural areas, the Presidency of the Council of Ministers, with the support of the National Office of Electronic Government and Information Technology (ONGEI), the Ministry of Transport and Communications (MTC), the Telecommunications Fund (FITEL), the Decentralisation Secretariat and the United States Agency for International Development (USAID), created the Comun@s Project. This was implemented by the Association for Educational Development (AED) in 2010.

In its first stage, the project provided training to authorities and public officials of 121 municipalities in the use of the internet and the creation of institutional web portals. Through awareness-raising campaigns, they also sought to inform the public about the right to access to information. The aim was to promote more transparent, open and representative governments.

The project also offers “citizen modules”² from which people can access information about local government management, participatory budgeting, municipal engagements, municipal procedure costs, and other relevant data. The project has also implemented the Comun@s broadcast network, formed by a group of communicators, social leaders, officials and citizens committed to their towns, which voluntarily promotes participation and cooperation in local government using ICTs.

Despite its limited scope, the Comun@s Project has managed to increase access to public information, especially during the electoral period. The number of queries handled by the project’s Online Assistance Service³ has also increased.

The contents of the citizen modules have been translated into Ashaninka, Quechua and Aymara,⁴ facilitating the access of indigenous communities. In some locations, the modules have been so successful among the local population that the municipal authorities have invested money from their own budgets to strengthen the system.

Rural municipalities⁵

Since the 1990s, district councils have acquired particular importance thanks to the promotion of decentralisation. The 1993 Constitution gives a greater range of powers and responsibilities to district municipalities and with it the possibility of having a larger budget. Having greater economic resources generates two consequences: on one hand, the need for a larger municipal administrative apparatus, enabling the management of these resources, and on the other, the need for greater control and monitoring of expenditure of public resources by the Ministry of Economy and Finance (MEF). In this context, an online system was developed with the objective of monitoring the effectiveness of public spending. The use of this system for the registration and reporting of tax information as well as the mandatory publication of information on the portal in order to ensure transparency has effectively encouraged rural municipalities to use ICTs for economic and financial management.

However, the implementation of this system, designed from a developed, urban perspective, has generated unexpected results because of the lack of connectivity and capacity for management, and the use of technology at the local level. Since there are neither good connections nor appropriate technical staff in rural areas, the rural municipalities have opted to establish an office in the nearest town and move part of their offices to the city. However, this has created discontent amongst the population, who felt that their leaders were governing from the cities. Even with the existence of portals to access information, citizens do not have access to the internet, and therefore, their only option to make themselves heard to is to travel to town or the nearest city. Because of this we find that the government has not moved closer to citizens using ICTs – on the contrary, it has moved further away.

2 Stand-alone kiosks with information available for citizens.

3 Presidency of the Council of Ministers (2011) *Comunas: la transparencia sí se puede ver*.

4 Indigenous languages are used by between 10% and 15% of the Peruvian population.

5 León Kanashiro, L. (2010) *Implicancias del uso de las tecnologías de la información y comunicación en municipios rurales. Un estudio de caso en Ayacucho, Perú*, Red Científica Peruana, Lima. www.upf.edu/amymahan/_pdf/101105_ponencia_LEON.pdf

Open Government Action Plan

In September 2011, the Peruvian government joined the Open Government Partnership, an international multilateral initiative that aims to promote transparency at a global level, curb corruption, empower citizens, and improve accountability and the effectiveness of governments through the use of new information technologies.

The Open Government Action Plan was designed to establish mechanisms that would achieve these objectives and commitments. The importance of this initiative has been its development through a concerted and participatory process involving public and private entities. Among the participating institutions of government were the Office of the Comptroller-General, the Ombudsman, the Ministry of Foreign Affairs and the Presidency of the Council of Ministers. Four organisations were invited from civil society, forming a collective. The institutions were: NGO Proética, Ciudadanos al Día, the Peruvian Press Council and the National Association of NGOs.

The objectives of the Open Government Action Plan were grouped into three major areas: transparency and fighting corruption; citizen participation and monitoring of government; and improving the quality of public services.

The use of internet tools is essential for the fulfilment of these objectives, according to Rocío Vargas, coordinator of ethics, transparency and citizen monitoring at the Vice-Ministry of Public Management. According to Vargas, the development of e-government is an important step to improve the provision of services and access to public information by the citizens.

In the matter of transparency and access to public information, the Open Government Action Plan aims to improve the implementation of the principles and rights that guide the actions of public administration, including the Law on Transparency and Access to Public Information. In this sense, it is meant to ensure, through the Vice-Ministry of Public Management, that every state institution disseminates public information on budgets, public investment projects, staff, selection processes for recruitments and acquisitions, and progress made in the performance indicators. Finally, the action plan proposes to study the feasibility of an administrative body that is independent of the government, but which has the authority for the enforcement of the transparency law.

Civil society initiatives

Justice and Transparency⁶

With the objective of improving the process of decision making by citizens, the NGO Suma Ciudadana implemented a portal called Justice and Transparency that seeks to become a database of all the cases of *habeas data*⁷ opened in the Constitutional Court. The aim is to facilitate information about the right to access information, as well as information on securing that right – all this in a free, quick, organised and user-friendly way.

Promesómetro⁸

Promesómetro (“promise meter”) is a web portal created by the NGO Proética which seeks to facilitate communication between authorities and citizens about the promises that were made during political campaigns. The users can comment on what they heard from candidates during their election campaigns, and then reflect on and discuss whether those campaign promises were actually met.

A year ago, Proética started a redesign of the website to make it more attractive and accessible to users. At the moment the portal is ending its trial period⁹ and it is hoped it will be re-released with new features in upcoming months.

More Culture¹⁰

More Culture is an initiative by Culturaperu.org, a portal that promotes transparency, accountability and citizen participation in the management of culture in Peru. The portal serves as a meeting point for people, groups and civil society organisations working in the cultural field, who then create “community actions” to demand information on budgets and progress in the implementation of the cultural plans for local governments.

To do this, the portal offers a “toolbox”, administered via a blog and wiki, which aims to collect, sort and make available all information pertaining to issues of transparency and accountability in the governance of culture.

This tool also systematises information about citizen actions to access public information in the cultural sector at the local, regional and national level: “The goal is to serve as a log of the collective experiences that seek to promote greater citizen participation in culture, to motivate and nurture the

6 www.justiciaytransparencia.pe

7 Constitutional remedy which ensures the right of access to public information and legitimate use of personal data.

8 www.promesometro.pe

9 Beta version of Promesómetro: nuevo.promesometro.pe

10 mascultura.pe/blog

realisation of actions in other parts of the country and the region.”¹¹

According to More Culture co-founder Diego de la Cruz, actions have been organised through the portal in cities such as Chiclayo, Chimbote, Cusco, Huancayo, Huaraz, Iquitos, Puno, Tacna and Trujillo, with successful results.¹²

Local government cases

Participatory budget in the municipality of Miraflores¹³

Miraflores is one of 43 districts in Lima, the capital of Peru. It is the district with the second highest human development index and the third most affluent municipality in the city, with only 1.8% of its inhabitants considered poor. The municipality succeeded in integrating ICTs in local management and has become the reference “digital city” in Latin America. It also has a municipal software development company that creates programmes for other local governments. Since 2007, the residents of Miraflores have been able to vote in a participatory budget process via internet, the first experience of application of ICTs for citizen participation.

A study by researcher Laura León recognises that, from a socio-technical perspective, the implementation of electronic voting in Miraflores is a tool to encourage participation in decisions related to the budget. However, the study revealed some flaws relating to the lack of communication and information tools that contribute to the participatory process. León argues that multilateral interaction (between citizens and authorities, or only among citizens) is one of the most important features for the strengthening of deliberative participation.

However, from a democratic perspective, the study acknowledges that after three years of project implementation, there has been an increase in the number of participants in the process, which would suggest that the ability to vote online is strengthening citizen participation in local government.

Open data in the municipality of Metropolitan Lima

Since 2011, the metropolitan municipality of Lima has implemented a policy of open data and has published datasets such as prices and volumes

traded wholesale in Lima’s market. This information is being used by civil society and commercial organisations, unions and media to inform the public.

The municipal government of metropolitan Lima is the first public entity which provides raw data to citizens in an open format, doing so under the principle of transparency and calling for “the participation of citizens, businesses, academia and government so that its members transform this data into knowledge, contributing in this way to the economic development and benefit of its inhabitants.” This data has been used by civil society organisations to build information systems. For example, Escuelab¹⁴ has sought to provide information on traffic fines and other traffic and road-related information.¹⁵

Civil society actions

Lima Cómo Vamos¹⁶

Lima Cómo Vamos (How Are We Doing Lima) is an initiative that allows citizens to monitor government activities, developed by the Atocongo Association, the Civil Association Transparencia, the RPP group and the Pontifical Catholic University of Peru. It is an observatory that monitors the quality of life of the inhabitants of the Lima metropolitan area on issues as diverse as education, sport, the environment, public finances and participation. This project was inspired by the Bogotá experience, which has now been replicated in more than 50 cities in Latin America, forming part of the Latin American network of fair and sustainable cities.

Since June 2012, Lima Cómo Vamos has been gathering public opinions for a report called “Lima Voices, Lima Plan”. These surveys, which will involve 500 residents of 33 districts of the Lima metropolitan area, will help feed the development plan of the city (2012-2025).

Todos Somos Dateros¹⁷

Todos Somos Dateros (which translates roughly as “we are all data collectors”) is a crowdsourcing initiative that seeks to encourage the participation of citizens in identifying the everyday problems of the city. The idea was the brainchild of a young Peruvian student, Camila Bustamante, who, in collaboration with Ciudad Nuestra,¹⁸ created Todos Somos Dateros in 2009. The aim of the initiative is to integrate

11 Ibid.

12 Full interview with Diego de la Cruz: www.youtube.com/watch?v=S_h8fEroq8Y&feature=related

13 León, L. (2010) *Reforzando el proceso del presupuesto participativo a través de Internet: el caso de la Municipalidad de Miraflores*, Instituto de Estudios Peruanos and DIRSI, Lima. www.acorn-redecom.org/papers/acornredecom2010leon.pdf

14 escuelab.org

15 campamentocivico.escuelab.org/index.php/blog/primer-experimento-con-los-datos-de-la-muni

16 www.limacomovamos.org

17 datea.pe

18 www.ciudadnuestra.org

the information and concerns of ordinary transport users with institutional transport plans and strategies in the city of Lima. The initiative, based on internet maps, asks the users of public transport services to alert the authorities to transport problems so that they can be attended to.

Over the past two years the initiative has grown. One of its most successful campaigns was related to a new transportation system known as “The Metropolitan”, in which the public identified problems and drafted proposals for solutions that were handed over to the authorities. The initiative “Date-ro Ciclista” helped to identify the dangers faced by cyclists in the city, and recently in June 2012 a new initiative was set up to alert the authorities about public spaces that were unfriendly for people with disabilities.

Conclusions and action steps

Since the implementation of the Law on Transparency and Access to Public Information in 2002 there has been progress in Peru. However, there is still a long way to go to achieve the objectives set out by law. While progress has been made with regards to compliance with the rules, a change in the culture is still far away: the right to public information continues to be a right which must be fought for, a right that needs to be demanded and not a right obtained as part of an institutionalised process. The work of civil society organisations helps citizens, as do mechanisms for public complaints which also attract media interest. However, for ordinary people, simply having those mechanisms does not ensure that there is the capacity to exercise the right.

One of the pending tasks in the area of transparency and access to public information is setting up an entity in charge of monitoring compliance with the standards. In Peru, unlike other countries such as Chile and Mexico, it is not clear who the authority on the issue is, and there are no mechanisms for punishment or to enforce compliance, or to meet citizen requirements in an expeditious manner.

The participation of civil society organisations in this supervisory and coordination role is expected. Some steps have been taken in this direction in recent months; however, it is still necessary to consolidate this progress in an agreement with the government and institutions of the state.

Similarly, the implementation of the recently adopted Personal Data Protection Law¹⁹ should help to clarify doubts about the grey areas between transparency and privacy. The establishment of an entity in charge of its implementation is also a pending and urgent task which must be observed and monitored by civil society.

The main challenge for citizen participation is to develop citizen-appropriate tools, not only to access, but to *use* public information effectively. The support of international cooperation for “hacktivist” groups, who are experts at managing data, will be essential to cultivate these emerging initiatives until they reach a level of critical mass that serves to highlight the opportunities and advantages of open data.

Finally, working with the media is also of utmost importance. Access to government information provides important opportunities for investigative journalism, and for reporting and monitoring the management of public resources. The state, civil society organisations and academia should focus their efforts on strengthening the capacities for research and analysis of data by journalists. Improvements in terms of quality of information and self-regulation are the main objectives of this action. ■

¹⁹ Law 29733 of 2011.



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Introduction

Information and communications technologies (ICTs) are at the heart of innovation and economic development in Romania and the only industry without job losses since 2008, despite the economic crisis.¹ According to the latest national regulatory authority report,² the broadband penetration rate had reached 17.12% of inhabitants in December 2011 (as compared to 14.48% in December 2009) and 41.60% of households (with only 35.10% in December 2009). In spite of the steady growth of access to ICT infrastructure, Romania ranks the lowest in the European Union (EU) when it comes to internet use:³ while in Sweden 91% of the population was connected to the internet at least once a week in 2011, only 37% of Romanians had this opportunity, far below the 68% EU average.

If roughly one third of the country's population goes regularly online, how much difference does it make to the democratic process in terms of transparency and participation? This report is an attempt to answer this question.

Policy and political background: Gaps and steps

Social change is a slow process: 40 years of dictatorship (1949-1989) cannot be erased by simply pressing the *delete* button. According to a study on democracy, “semi-authoritarian habits, pervasive corruption and the lack of transparency and accountability” are the main problems that

governments still have to tackle in post-communist Romania.⁴ A thorough analysis⁵ of the country's level of transparency has developed five key indicators of corruption: (1) public resources available for discretionary use; (2) profits of Romanian companies with political ties, compared with multinational companies' profits; (3) political allocation of the Reserve Fund, created by the Romanian Finance Ministry in 2002 for crisis situations and misused by all governments ever since; (4) the energy sector – highly profitable for interest groups⁶ with strong political ties; and (5) human resource management in the public sector, namely, the high level of politicisation of the public administration.

Gaps

According to the latest Transparency International report, all new members to the EU – including Romania – have encountered a decrease in transparency. This was reflected in a higher Corruption Perceptions Index score between 2009 and 2011, perhaps as an impact of the economic and financial crisis.⁷ For example, the Electronic System for Public Procurement, built to raise the level of transparency in public-private partnerships in Romania, deals with only 40% of the total procurement transactions: all the rest lack transparency, according to the Institute for Public Policies' analysis.⁸

Policy-making processes ranked Romania 95th of 142 countries assessed on their political and regulatory environment, according to a Global Infor-

- 1 Mihai, A.E. (2012) Numărul de joburi în IT a crescut cu 30% în ultimii patru ani, acesta fiind singurul sector în care nu s-au făcut concedieri, Ziarul Financiar, 27 January. www.zf.ro/profesii/numarul-de-joburi-in-it-a-crescut-cu-30-in-ultimii-patru-ani-acesta-fiind-singurul-sector-in-care-nu-s-au-facut-concedieri-9181459
- 2 ANCOM (Agenția Națională pentru Administrare și Reglementare în Comunicații) (2012) Servicii de acces la internet. Servicii de linii închiriate și transmisiuni de date, p. 11. www.ancom.org.ro/uploads/links_files/Raport_DS_sem_II_2011_internet.pdf
- 3 Eurostat (2012) Individuals: Frequency of Internet Use, 15 May. appsso.eurostat.ec.europa.eu/nui/show.do?dataset=isoc_ci_ifp_fu&lang=en

- 4 Gross, P. and Tismaneanu, V. (2005) The End of Postcommunism in Romania, *Journal of Democracy* 16(2), p. 146.
- 5 SAR (Societatea Academică din România) (2012) Dincolo de percepții. A devenit guvernarea României mai integră după 2004?, p. 13-20. www.sar.org.ro/files/547_Coruptie.pdf
- 6 The Romanian mainstream media has tagged them ironically “smart guys from the energy sector”. See: România Liberă (2012) “Băieții deștepți” din energie la negocieri, 5 May. www.romanalibera.ro/bani-afaceri/economie/baietii-destepti-din-energie-la-negocieri-263030.html
- 7 Transparency International (2011) Evoluția statelor membre ale Uniunii Europene în ultimul an de evaluare a Indicelui de Percepție al Corupției (CPI). www.transparency.org.ro/politici_si_studii/indici/ipc/2011/GraficeCPI2011.pdf
- 8 Institutul pentru Politici Publice (2012) Transparență, corectitudine și competitivitate în sistemul de achiziții publice din România, Bucharest, p. 7. www.ipp.ro/pagini/transparen355a-corectitudine-351i.php

mation Technology Report.⁹ Meanwhile, the recent survey conducted by the United Nations (UN) on e-government across the world has placed Romania 62nd of 190 countries – the lowest within the EU, with a fairly good score for human capital, but poor scores for online services and telecommunication infrastructure.¹⁰

The UN assessment framework for e-government defines four stages of online services in terms of interaction between public authorities and citizens: (1) emerging presence, (2) interactive presence, (3) transactional presence, and (4) networked presence.¹¹ The first stage is concerned with providing online information that is limited and basic. In the second stage the government provides current and archived information: policies, laws, reports, newsletters, and downloadable databases. The third stage allows two-way interactions online between citizens and the government, such as paying taxes, applying for ID cards, birth certificates, passports, or licence renewals. The fourth stage is the most sophisticated level of e-government: it integrates government-to-government, government-to-citizen and citizen-to-government services. Web comment forms and other interactive features enable citizens' participation in deliberative processes, such as commenting on laws, policies, strategies and other regulatory processes.

Romania's aggregated result for online service provision measured according to these stages was 45% in 2012, with 100% for the emerging presence stage, 64% for interactive presence, 29% for the transactional stage, and 36% for networked presence.¹² Reaching higher levels of transactional and networked presence online demands that Romanian governmental agencies invest more in bridging the digital gap, increasing the quality of online services and educating citizens for participation.

Steps

Civil society initiatives have strengthened in the field of ICT policy since 2010, with the Association for Technology and Internet (APTI)¹³ taking the lead. In March 2010 APTI brought civil society

organisations (CSOs), ICT business representatives and the open source community together: 200 activists signed its Manifesto for an Open e-Romania project, as presented in the GISWatch 2011 country report.¹⁴ Meanwhile, an online watchdog forum¹⁵ dedicated to monitoring Romanian local authorities has reached the highest web traffic for the civil society sector, with 27,000 daily users.¹⁶

Positive trends are also emerging in the practical use of ICTs in the governmental, civil society and business sectors. A talented young programmer – Octavian "Vivi" Costache – has developed a portal consisting of the contact information and main legislative activities of all Romanian members of parliament (MPs) on a platform called *hartapoliticii.ro*. On his personal webpage, Costache explains: "I've built a map of Romanian politicians because I want to make Romania a better place. Because of that, Forbes Romania thinks I'm one of 30 people under 30 to restart the country."¹⁷ In February 2012 APTI added a rank of Romanian MPs who voted for digital rights during the 2008-2012 parliamentary cycle to this online political map, on topics like access to online information, privacy on the internet, and open access issues.¹⁸

In June 2012 the first public debate on network neutrality was held in Bucharest, organised by the Romanian national regulatory authority of communications (ANCOM)¹⁹ and APTI. Beyond the multi-stakeholder approach, the benefit of the meeting was the quality of presentations and the highlighting of good practices from Northern European countries such as Norway and Sweden.

Romanian MPs' online presence: Are they responsive?

An experiment conducted in March 2012 by the Romanian Association for Technology and Internet²⁰ aimed at assessing the online presence and responsiveness of the Romanian MPs. The results,

9 World Economic Forum (2012) Global Information Technology Report, p. 13. www3.weforum.org/docs/Global_IT_Report_2012.pdf

10 The 0.6060 final score for Romania was aggregated from the online service component score (0.5163), telecommunication infrastructure component score (0.4232) and human capital component score (0.8783). See United Nations (UN) (2012) E-Government Survey 2012: E-Government for the People, p. 126. www.unpan.org/e-government

11 Ibid., p. 136.

12 Ibid., p. 128.

13 apti.ro/apti-english

14 Bakó, R.K. (2011) Romania: Mobilising for an Open eRomania, in Global Information Society Watch: Internet rights and democratisation, p. 222 giswatch.org/en/country-report/social-mobilisation/romania

15 www.domnuleprimar.ro/

16 SAR (2012) op.cit., p. 24.

17 www.vivi.ro/

18 APTI (Asociația pentru Tehnologie și Internet) (2012) Clasament: cum votează parlamentarii cu privire la drepturile civile digitale, February. www.apti.ro/sites/default/files/Cum-voteaza-parlamentarii-cu-privire-la-drepturile-civile-digitale-v-1.1.pdf

19 ANCOM (2012) Neutralitatea rețelelor și sustenabilitatea internetului, 5 June, Bucharest. www.ancom.org.ro/nn-2012_4714

20 Manolea, B. (2012) O imagine despre democrația electronică românească in martie 2012, 23 March. legi-internet.ro/blogs/index.php/2012/03/23/o-imagine-despre-democrația-electronică-românească

visualised on a chart,²¹ show a low level of online presence and a total lack of responsiveness of the legislative bodies' members: there were no responses to email inquiries and three responses to snail-mail inquiries.

A so-called "reply reaction analysis"²² was also conducted in 2003 by the eDemocratie.ro initiative, in order to assess the public authorities' transparency in relation to citizens. The report developed five indices to assess MPs' reply reaction: general response rate (the expected percent of MPs who answer an inquiry by email); consistency rate (percentage of MPs who regularly answer an inquiry by email); average response time; relevance of response in relation to the inquiry; and transparency index (assessing the degree of usefulness of the responses to citizens). Back in 2003, only 27% of the Romanian MPs had an email address and only 8% of them responded to citizen inquiry.²³ The transparency index for Romanian MPs had a very low score of 0.25 on a scale from 0 (the lowest) to 5 (the highest).

The 2012 e-democracy experiment has resulted in several action steps. Firstly, APTI looked at the previous results provided by the eDemocratie.ro project and started developing a database with the contact information of Romanian MPs. The online platform hartapoliticii.ro was instrumental in automated data collection, which has been complemented with manually gathered information about MPs' online presence on social networking sites such as Facebook and Twitter, as well as through their blogs and personal websites. This information has been compiled into a database, accessible under a Creative Commons 3.0 licence and downloadable in CSV and JSON formats.²⁴

The second step was to send emails to the MPs.²⁵ A total of 469 MPs have been contacted (137 senators and 332 deputies) through 663 email accounts, with as many as 61 messages bouncing back. Only 33 MPs have even opened the inquiry message, and *no replies have been received*.

In the third stage 322 snail-mails were sent to Chamber of Deputies members to inquire about their opinion on the data retention act.²⁶ Undelivered

letters (21) and the low number of responses received within 30 days²⁷ (three only) have again proved a lack of responsiveness of Romanian MPs when it comes to accountability and dialogue with citizens.

The inquiry's fourth step – an assessment of the online presence of 463 Romanian MPs (328 deputies and 135 senators) – noted a low number of personal websites, blogs, as well as Twitter and Facebook accounts:²⁸

- 55.5% of deputies and 51.1% of senators have neither a personal website, nor a blog.
- 103 MPs have only blogs, 79 only a personal website, seven domain names are not active, and only 29 have both a blog and a website.
- Only 29% (133 MPs) have a blog, 24.41% (113 MPs) a Facebook account, and 9.72% (45 MPs) a Twitter account.
- Only 48.58% of the MPs with a personal webpage had updated them in 2012.
- The rate of personal webpage updates from 2008 to 2012 (both were electoral years) shows similarly poor results: 12.74% in 2008, 4.25 % in 2009, 8.02% in 2010, 25.94% in 2011, and 48.58% in 2012;
- MPs with a Facebook or Twitter account showed slightly better rates of updating them in 2012: 83.19% and 66.67% respectively.

The results of the inquiry have been publicised on the APTI blog,²⁹ on its online partner's marketing agency blog,³⁰ on a community journalism website (2,148 views and nine comments as of 17 June 2012),³¹ on SlideShare (901 views as of 17 June 2012)³² and on the independent news portal Hotnews.ro (525 views as of 17 June 2012).³³ Given this relatively low level of interest, APTI's director has declared his disappointment over the scarce public attention that the e-democracy inquiry has received.³⁴

21 APTI (2012) Parlamentarii români pe internet, Martie, Standout Facebrands. legi-internet.ro/blogs/media/blogs/a/Infografic-final.jpg

22 Hera, O., Alilioae, S. and Kertesz, S. (2004) Reply Reaction @ Parlament. Analiza reactiei membrilor Parlamentului la e-mailurile trimise de cetateni, eDemocratie.ro www.edemocratie.ro/R2-RO2003.pdf

23 Similar studies conducted in Canada and the UK resulted in 43% and 22% response rates respectively. Ibid., p. 3.

24 agenda.grep.ro

25 Manolea, B. (2012) Cum (NU) se poate contacta un parlamentar român? APTI, 22 March. www.slideshare.net/bmanolea

26 apti.ro/sites/default/files/Opinie-ong-lege-date-traffic.pdf

27 As prescribed by law.

28 legi-internet.ro/blogs/media/blogs/a/Infografic-final.jpg

29 legi-internet.ro/blogs/index.php/2012/03/23/0-imagine-despre-democratia-electronica-romaneasca

30 blog.standout.ro/2012/03/prezentari/parlamentarii-romani-pe-internet

31 www.contributors.ro/administratie/mic-exercitiu-de-democratie-electronica-romaneasca

32 www.slideshare.net/bmanolea/cum-sa-nu-contactezi-un-parlamentar-roman

33 Manolea, B. (2012) Mic exercitiu de democratia electronica romaneasca, 23 March. www.hotnews.ro/stiri-opinii-11818557-mic-exercitiu-democratia-electronica-romaneasca.htm

34 Manolea, B. (2012) Datele publice libere pe agenda guvernului Romaniei, 23 April. legi-internet.ro/blogs/index.php/2012/04/23/datele-publice-libere-pe-agenda-guvernului-romaniei

Such experiments are mirrors shown to the political elite and send an important message: in the age of the social web, ICTs enable quick and large-scale assessments on key actors' levels of transparency, accountability and willingness to engage in dialogue. Secrecy is no longer sustainable.

Conclusions

If we look at the numbers on a global scale, Romania's performance in the field of ICTs and democratisation is above the world average – Europe in general is a high-achiever region when it comes to infrastructural development, human capital and policy-making standards. However, when we compare Romania within the EU and – even more relevantly – within Central and Eastern European countries, the results are alarming.

The case presented in this report illustrates the lack of responsiveness of Romanian MPs and a low level of transparency when it comes to informing citizens about public matters. Although the Parliament has been among the first political bodies in Romania to use ICTs for disseminating public information,³⁵ there is still a long way to go on the road of e-democracy.

Action steps

In a media release issued on the country's national day, Transparency International Romania has urged the government, business actors, civil society representatives and trade unions to fight against corruption both inside their own institutional structures and on a national scale.³⁶

Transparency and accountability through ICTs should be a higher priority on all institutional stakeholders' agendas in Romania:

- Governmental agencies, businesses and civil society organisations should interact more and foster dialogue – both online and offline – in order to reduce corruption at all levels.
- Civil society organisations should be more active in holding the political class accountable to citizens.
- Media actors, both from the mainstream and from community journalism, should take the lead in highlighting the role that citizens can play in turning the tide of corruption.

Promoting good practices when it comes to government integrity is the way forward for a fair, sustainable and free society; ICTs have a key role in this process. ■

³⁵ Hera, Ailioaie and Kertesz (2004) op. cit., p. 5.

³⁶ Transparency International Romania (2011) O națiune împovărată de corupție, 1 December. www.transparency.org.ro/politici_si_studii/indici/ipc/2011/ComunicatTIROCPI2011.pdf

SAUDI ARABIA

USING THE INTERNET TO TACKLE POVERTY IN OIL-RICH SAUDI ARABIA



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Introduction

There is very little dispute that natural resources play a very big role in economies. Since the discovery of vast crude oil reserves in 1938,¹ the Kingdom of Saudi Arabia has experienced very intensive, fast and energetic development, which is not comparable to any other country worldwide. While Saudi Arabia has witnessed impressive social and economic progress, many challenges and difficulties have emerged as a side effect of the newly gained oil wealth. These serious problems range from wealth distribution to the challenges facing the socio-political landscape of the country's social structure.

Subsequent to the oil boom of the mid-1970s, labour immigration increased in large numbers, resulting in a massive increase in the ratio of immigrant to native workforce for Saudi Arabia. Official statistics show that the foreign labour force represents over 50% of the labour market.

Despite increasingly high oil prices, momentum for progressive changes to institutions and fiscal policy is limited. Saudi Arabia, as a labour-importing, resource-rich economy, features low total participation and employment rates of nationals; rising unemployment rates, especially of women and the young; employment dominated by services and construction; and female employment almost exclusively in services, notably housekeeping for migrant women and education and social services for native women.

The Saudi government has not yet managed to align its industrial and economic aspirations with the reality of its people. Most of the praised reforms towards human development and social modernisation have largely failed to bring about the desired results, with the exception of the country's academic elite.

As the Saudi labour market has a high percentage of foreign workers, it encourages high rates of unemployment of nationals, particularly among the young

people (who represent a large part of the society),² and the minor participation of women. This leads to the focus of this report: tackling poverty in one of the richest countries in the world in the internet era.

Policy and political background

In March 2007, Saudi Arabia's legislative body, the Council of Ministers, issued a set of laws³ affecting policy and regulations for internet users in Saudi Arabia. The new policy measures and regulations prohibited internet users from:

[P]ublishing data or information that could contain anything contravening the Saudi interpretation of Islamic principles (directly or implicitly) or infringing the sanctity of Islam and its benevolent Shari'ah, or breaching public decency, anything damaging to the dignity of heads of states or heads of credited diplomatic missions in the Kingdom, or harms relations with those countries, the propagation of subversive ideas or the disruption of public order or disputes among citizens and anything liable to promote or incite crime, or advocate violence against others in any shape or form among many other things.⁴

While some items on this list relate to security matters and are arguably clearer to identify, most definitions on the prohibited list are very ambiguous and are down to interpretation.

Saudi Arabia's internet penetration is growing rapidly, with the number of internet users reaching 13 million in 2012, and internet penetration 41%. However, it still remains an extremely low rate considering that almost 60% of the population is under the age of 24.⁵ The number of Facebook users in Saudi Arabia was estimated at 4,534,769 in December 2011. According to figures, 29% of internet users in Saudi Arabia visit Facebook and women under 25 account for 48% of all internet users in the kingdom.⁶

1 Goldschmidt Jr., A. (1999) *A Concise History of the Middle East* (6th edition), Westview Press, Boulder (USA), p. 210.

2 Soliman Fakeeh, M. (2009) *Saudization as a Solution for Unemployment - The Case of Jeddah Western Region*, University of Glasgow, p. 36. theses.gla.ac.uk/1454/01/Fakeeh_DBA.pdf

3 Kingdom of Saudi Arabia (2007) Council of Ministers Report 11561/B, "Electronic Transitions Legislation" (in Arabic). www.ncda.gov.sa/media/low21/7.pdf

4 Ibid.

5 www.internetworldstats.com/middle.htm

6 Ibid.

When it comes to the information society, Saudi Arabia is a place of contradictions. While the Saudi government has been spending heavily on the information and communications technology (ICT) sector, Saudi Arabia, along with China, is widely considered to have one of the most restrictive internet access policies.⁷ Before granting public access to the internet in 1999, the Saudi government spent two years building a controlled infrastructure, so that all internet traffic would pass through government-controlled servers. With the huge expansion in public network and wireless access, government policy is changing to allow the development of new technologies while maintaining the same security and control of media use that is part of Saudi socio-political culture.

Exposing poverty online

Little did Feras Bugnah know when he uploaded a video about poverty in his city to YouTube what the consequences would be. The 8:49-minute-long video was the fourth in a series called “Mal3oob 3lain” (“We Are Being Cheated”).

At the beginning of the video, Bugnah can be seen interviewing well-off residents of the capital city, Riyadh, asking if they are doing well. After they tell him that they are doing well, the camera moves to a poor neighbourhood to interview impoverished children who say, no, they are not doing well at all.

Bugnah continues roaming the poor neighbourhood and interviews several residents who tell him about the hardships of living in poverty. At the end of the episode, he faces the camera and talks about possible ways to help the people there, and he can be seen delivering donations to the houses of the families he interviewed earlier.

The video received thousands of views and was widely circulated on social media sites. The video also caught the attention of the Saudi government. Six days after it was uploaded, Bugnah and his crew were arrested in Riyadh. Authorities kept them in detention for two weeks, then released them without charges or trial.

This episode showed the power that the internet has come to represent in Saudi Arabia. More specifically, it shows the power and reach of YouTube as a content-sharing platform. According to statistics shared by a Google representative, 44% of Saudis use YouTube on a daily basis, and 76% of these watch videos on their smartphones. The service says Saudi Arabia has the highest per capita YouTube use in the world.

Many young Saudis saw the potential in using YouTube to bypass traditional media and censorship.

They found in the internet a medium that allows them to reach their audiences directly without any of the old filters that control traditional channels.

Most of the Saudi YouTube stars have made names for themselves through comedy. People like Umar Hussein and Fahad al-Butairi, who used to perform stand-up routines in front of live audiences, improved their craft by working on more polished scripted shows, using humour to comment indirectly on local issues.

Bugnah took a different approach. From the beginning, his show had a more serious tone and he was clearly trying to deliver a message that was more socially conscious. His first three episodes that preceded the poverty episode talked about “Saher” (the radar traffic monitoring system), high prices of consumer goods, and Saudi youth. While these episodes were well received, accumulating around three million views in total, it was the episode on poverty that received by far the most attention thanks to the arrest that followed it. That episode alone received over 2.2 million views.

Oil, government spending and corruption

This incident showed the power of the internet in Saudi Arabia, but it also showed another thing: the government is very sensitive about the topic of poverty. As the world’s biggest oil exporter, it certainly is not a poor country. The high oil prices in recent years allowed the Saudi economy to grow at a fast pace: in 2011, Saudi Arabia’s GDP grew by 6.8%.

That growth, however, did not seem to improve the living standards of most Saudis. Very little of the growth trickles down to the middle and lower classes, due to the unfair distribution of wealth that concentrates power in the hands of a small circle of people.

Fuelled by big revenues due to the high oil prices, recent years witnessed huge government spending in the country. But with the huge government spending, the potential for corruption to win government contracts increased exponentially. Bloomberg reported recently that Swiss company Tyco International Ltd. agreed to pay more than USD 26 million to resolve US charges that it bribed officials of companies, including Saudi Aramco,⁸ to win contracts.

With the lack of an elected parliament or watchdog organisations in the country, such charges of corruption never seem to reach the surface in Saudi Arabia. In March 2011, King Abdullah established an Anti-Corruption Commission to handle the increasing complaints of corruption in the government. More than one year

7 University of Harvard (2009) Open Net Initiative: China. opennet.net/research/profiles/china-including-hong-kong

8 Aramco is a Saudi Arabian national oil and natural gas company based in Dhahran, Saudi Arabia. Aramco was estimated to be worth USD 781 billion in 2005 according to the UK-based Financial Times, making it the world’s most valuable company.

after its establishment, the anti-corruption body, which has come to be known as “Nazaha”, seems to be still unable to make any meaningful impact

International watchdog groups like Transparency International (TI) rank the country lower than most of its neighbours in their surveys. In the 2011 Corruption Perceptions Index published by TI, Saudi Arabia ranked 57th out of 178 countries.

Some individuals tried to use the internet to tackle the problem of corruption and lack of transparency in the country. One example can be found at the website 3addad.com,⁹ which calls itself “The Index of Saudi Promises”.

The idea behind the website is to watch the local media for statements by Saudi officials where they make promises to finish certain projects to a deadline, then list those promises with a count-down next to them showing the time left for these promises to be delivered.

The site not only lists projects that are in progress, but also lists those that are past their due date as well as those that were delivered on or ahead of time.

“This index is our memory of the sum of undelivered promises,” wrote Thamer al-Muhaimeed, the site founder. “Because I assume these promises belong to us Saudi citizens, and because we have nothing but these promises, then let us hold on to them.”

The questions of corruption and how to combat it remain as some of the most important questions that the Saudi government needs to tackle.

When 122 people were killed in floods following torrential rains in the coastal city of Jeddah in 2009, corruption was raised as one of the main reasons behind the failure of the city’s infrastructure. King Abdullah made a strongly worded statement after the floods, promising to prosecute those responsible for the deaths, “whoever they may be.”

Almost three years after the floods, no major government officials have been charged to date.

The internet’s role in fighting corruption in Saudi Arabia

The internet is an instrumental tool for socio-political change in Saudi Arabia. It is used not only for reporting human rights violations, but also for highlighting the mismanagement of oil wealth in the country. It has developed from a key resource for activists in raising awareness amongst the local population, to a tool used by the local population to highlight unfairness in the country.

Being one of the richest countries in the world, the future of Saudi Arabia has the potential to be

bright for every citizen. However, the currently prevailing situation of nepotism and oligarchic control that only aims at political and economic self-preservation does not allow for meaningful change in favour of the people. The internet has, in 2012, been a champion in highlighting the flaws in the Saudi economy – flaws that not many people thought existed, including those who live in poverty in the country.

The phenomenon of migrant workers is not unique to Saudi Arabia, nor does it bear the sole responsibility for poverty in the kingdom. The root of this dilemma is the mismanagement of human resources and exaggerated state intervention.¹⁰ At the same time, oil revenues, while very generous to Saudi citizens at the top of the hierarchy pyramid, fail to bring changes to the many at the bottom of the hierarchy. Poverty tends to be out of public sight due to many socio-cultural factors and large charity networks. This has created a population that is unaware of the poverty that surrounds it.

However, the internet’s role in highlighting poverty in Saudi Arabia has undoubtedly shaken the state apparatus. Its swift reaction in jailing the young Saudi who uploaded the video on YouTube is a clear indicator of the level of threat that the authorities consider the internet to represent.

Action steps

The challenges reflected in this report represent only a small portion of a complex and evolving debate over the role of ICTs in combating corruption in Saudi Arabia. However, this constitutes a very new field of enquiry where much remains to be explored.

The following action steps are needed to stimulate the use of the internet in fighting corruption:

- The government needs to revoke the 2007 law, and replace it with a less ambiguous one that can be used by different state bodies without discretion.
- The government needs to champion individual rights laws, including legislation on access to information and freedom of expression.
- Transparency needs to be encouraged through the government publishing spending reviews.
- More public internet access points are needed, and ISP infrastructure needs to be upgraded to improve broadband connectivity.
- More citizens need to use the internet by uploading material that highlights corruption. ■

⁹ 3addad.com

¹⁰ Niblock, T. and Malik, M. (2007) *The Political Economy of Saudi Arabia*, Routledge, Abingdon and New York, p. 8

SOUTH AFRICA

THE KNOWLEDGE OF CROWDS AND THE POWER OF NETWORKS: USING THE INTERNET TO CHALLENGE CORRUPTION IN SOUTH AFRICA



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Introduction

How effective can the internet be as a tool to combat corruption? The potential is exciting: applying approaches such as crowdsourcing and data-mining; exploiting the power of social networking services and creating platforms to increase accountability and transparency. But the challenges of using the internet, especially for countries in the South, are also daunting: poor information and communications technology (ICT) infrastructures; restricted access to state data; risks to whistleblowers and resource and skills constraints. Online anti-corruption initiatives are relatively new, and understanding how these pioneers are utilising the potential of the internet may help in mapping out future directions for developing and scaling up these initiatives.

The launch of Corruption Watch

On 26 January 2012, a new South African anti-corruption organisation was launched at Constitution Hill, a former political prison and the home of the country's Constitutional Court. Present were the head of the major trade union federation, the justice minister and leaders from political parties, civil society and the major business associations.

Corruption Watch urged the public to report cases of corruption to the organisation through its website¹ and other channels. This was key to the mission that Corruption Watch set itself: not only to research and advocate but to enable citizens to engage directly in combating corruption. As the chairperson of the board, Vuyiseka Dubula, put it:

It will bring back the voice of citizens to the political realm of debate around equality, accountability and transparency ... empowering citizens to take a stand against corruption.²

Within three days of the well-publicised launch event, more than 70 reports had been received.

Some described terrifying incidents: "A metro (traffic) cop said if I did not pay [a bribe] he would have me followed and would rape my wife and kill her. So I paid him." Many others concerned public sector contracts. A businessman described his interaction with a municipal procurement official: "...it was made clear to me ... the bill of quantities would be adjusted to accommodate R800k [about USD 100,000], which would pay all the relevant Municipal officials." Others described nepotism in the public service: report number 71, for example, accused a senior official, Dr. M. A Seakamela, the deputy director-general in the North-West Department of Education, of nepotism. It offered detailed information with dates and salary grades and provided the names and positions of the officials concerned.

After the first month, around 500 reports had come in. David Lewis, Corruption Watch's executive director, commented at the time: "Our principle objective is to give voice to the public. No government or business leader who looks at our data and at our Facebook page can be left in any doubt as to the level of outrage on the part of ordinary members of the public."³

From outrage to action

By July nearly 2,000 reports had been received and processed. Around 4% of the reports received were passed on to media partners for further investigation and wider publicity. Case number 71 – the report of nepotism in North West that had arrived in January – was referred to a national newspaper, the *Sowetan*. After an investigation which unearthed evidence substantiating the initial report and showing that the official had broken a number of rules in appointing and promoting his girlfriend and now wife, the paper published an article in June: "Naked nepotism exposed - From bedroom to top office"⁴ Three months later the official was suspended pending an investigation initiated by the provincial minister for education.⁵

1 www.corruptionwatch.org.za

2 m.news24.com/citypress/Columnists/Power-to-the-people-20120128

3 www.corruptionwatch.org.za/content/more-500-cases-reported-corruption-watch-its-first-month

4 www.sowetanlive.co.za/news/2012/06/15/naked-nepotism-exposed---from-bedroom-to-top-office

5 www.sowetanlive.co.za/news/2012/09/04/official-suspended-for-promoting-wife

A small number of reports led to in-depth investigations by Corruption Watch's small team of investigations specialists, which were then passed on to state agencies capable of taking further action.

Other reports formed the basis of public campaigns. Those that concerned traffic police asking for bribes contributed to a campaign to challenge paying traffic bribes with hundreds of thousands of bumper stickers handed out to motorists and a detailed research report handed to the Johannesburg authorities.⁶

The challenges of using the internet

The key platform that Corruption Watch developed in order to “give voice to the public”, as the executive director put it, was a web-based reporting tool built on the Drupal open source platform. The original technical specification of the website created by Corruption Watch and the website developers⁷ set out an ambitious framework for the reporting tool: first, a reporter questionnaire that would guide respondents through a set of questions to categorise the type of corruption, locate it and provide details that could lead to further investigation; second, a means of storing this information in a secure database; and third, the ability to present the information in aggregate via maps and charts⁸ on the website.

The specification also allowed for registration and categorisation of users to enable the management of groups of users so that they could track the progress of actions on reports. Developing and then managing these online tools meant dealing with a number of challenges.

Managing multiple channels of communication

According to the South African Network Society Survey, one in three South Africans uses the internet.⁹ In comparison, over 80% of adults use a mobile phone. Among internet users, by far the most popular applications are social network services. There were an estimated 5.1 million Facebook users in South Africa in July 2012.¹⁰ Corruption Watch aimed to address this reality by enabling a variety of communication channels for those wanting to report

corruption. The specification called for access to the reporter via email, short message service (SMS) mobile texting and Facebook.¹¹ A short-code SMS gateway was secured and a Facebook page created.¹² Analysis of the reports after six months shows that 46% of reports came via the website and 42% via SMS. Email accounted for 8% of reports. The remainder came via phone, post and personal contact.

Managing this diversity of channels has been time consuming and complex. While SMS was clearly an important channel and enabled broader access than would be possible with the internet alone, 83% of SMS reports were deemed invalid due to insufficient information, a far higher proportion than was the case online. This often required follow-up calls with reporters. Even where there was considerable information provided, it was not structured and so it had to be entered manually into the database.

SMS is also relatively expensive as a communication medium. Each message to Corruption Watch costs the user R1 (approx. USD 0.15) and users often have to send multiple messages to include the information they want to provide.

Crowdsourcing corruption data

An objective for the website was to enable sufficient quantities of rich data to be able to provide useful indicators and insights into the nature and scale of corruption in South Africa. For example, it was hoped that it would be possible to identify “hotspots” – particular places with high levels of reports. This follows crowdsourcing data projects like Ushahidi, which was developed originally to monitor post-election violence in Kenya. Data on corruption is notoriously difficult to get for obvious reasons. In general it happens out of sight and those who know about it are often those who have a stake in its remaining hidden. Transparency International's corruption index,¹³ for example, does not measure corruption itself but rather people's perceptions of corruption. Since reporters are self-selected, it is not possible to use Corruption Watch's data as a representative sample of corruption in the country. However, analysis of the report data has helped the organisation gain insights that have contributed to informing its priorities and strategies. For example, the largest category of reports concern abuse of public funds by state officials – including, for example, using state resources for election campaigning and using state vehicles for private business. There

6 www.corruptionwatch.org.za/content/corruption-watch-calls-no-more-tjo-tjo

7 The website developers were Hello Computer, a leading South African web development and design company.

8 The presentation tool has not been enabled at time of writing.

9 South African Network Society Survey, Media Observatory, Wits Journalism (publication forthcoming).

10 www.socialbakers.com/facebook-statistics/south-africa

11 Not all these functions have been implemented at the time of writing.

12 www.facebook.com/corruptionWatch

13 www.transparency.org/research/cpi/overview

is also a surprisingly high share of reports coming from small towns outside the major cities, often concerning corrupt procurement. While it is not possible to draw conclusions on where corruption is most prevalent, this information does help direct the organisation's attention to issues that its community of reporters know about and care about.

Managing anonymity, verification and confidentiality

The online reporter gives respondents the opportunity to remain anonymous or to provide their names and contact details, which Corruption Watch undertakes to keep confidential. As of July, 60% of those reporting provided their names and contact details. This suggests a high level of trust in the organisation. While anonymity is necessary in some contexts, it has proved highly challenging in other crowdsourcing initiatives. Ushahidi, for example, has reported on the challenge of verification where reporters are not identified.¹⁴ The Crimeline SMS line established by South African media group Prima in 2007 is entirely anonymous and faces the problem that reporters often do not provide enough details for action.¹⁵ The fact that most of those reporting corruption have provided their names and contact details has enabled Corruption Watch staff to follow up with requests for further information. It also enables the organisation to engage these reporters in campaigning. But it also creates other risks that have to be managed. Most important of these are the risks of breaching the confidentiality of reporters. This has required physical, operational and legal approaches.

Managing communication and conversation

As David Lewis said at the organisation's launch, Corruption Watch aimed to be more than a research institution or think tank. He wanted it to be the hub of an activist network. This required promoting a two-way conversation. But it also required trying to manage the direction and tone of this conversation. Amongst the concerns the team had were that the discussions could become dominated by unproductive "whinging and whining", or that they would move off-subject into general attacks on government failures. Another concern was that the online

community would not be sufficiently diverse, especially in terms of race and class, to fairly represent the constituency that Corruption Watch was aiming to reach.

What may not have been clear prior to Corruption Watch's launch is the extent to which norms and even definitions of corruption are contested. When the *Sowetan* published their first story on case number 71 online, it elicited almost 100 comments. The debate was extensive and explosive. *Leutler*¹⁶ responded: "I think this man is doing what everyone is doing, government officials are all enriching themselves and their family starting with Zuma, so give that man a break. I would do the same if i get opportunity." *Blackthought* was equally cynical: "Lol....happens everywhere around us. Just too scared to do anything about it. White people do this all the time." However, he or she was challenged by *WakeUpSouthAfrica*: "Blackthought: Shame, is that how you defend nepotism? White people do it?"

Others disputed whether there was a corruption case here at all: "thers no Story here !!! so, what if the lady was well performing, a hard worker & doing her job accurately ? so according to you she should not be employed wether she has the credentials or not?" asked *MissBhakajuju*. *Dzel* responded with: "You can't be serious Bhakajuju, by using her connections she has jumped the queue... If she was competent then she should have competed for the position with everyone else... It could have been your sister who was overlooked, is that fair?"

The debates on Corruption Watch's Facebook site have often been equally robust. In September Corruption Watch published a report¹⁷ on Facebook and Twitter concerning the costs of corruption based on information from one of the state's investigation agencies. Helen Mudge responded: "Why do you take 1994 as the start of your Corruption Watch statistics? There was a great deal of corruption in SA long before 1994. I find it offensive, narrow-minded and racist that you take 1994 as the starting date for these figures." Erwin Schwella responded within minutes: "@ Helen Mudge We all expected the National party to participate in corruption as the system of apartheid was systemically corrupt. However we had/have different expectations from the state government of constitutional democracy. We can therefore be doubly disappointed..."

These exchanges expose the divergent social norms and ideological perspectives that exist in South Africa in relation to corruption. These

14 "Ushahidi support for verification has until now been limited to a fairly simple backend categorisation system by which administrators tag reports as 'verified' or 'unverified'. But this is proving unmanageable for large quantities of data." blog.ushahidi.com/index.php/2011/11/11/what-is-the-next-step-for-ushahidi-verification

15 www.crimeline.co.za/PressRelease.aspx?Identity=f7e1df4d-65df-4e40-a59a-4786bae75590

16 Like most news websites, the *Sowetan's* site requires those who wish to comment to register, but displays only user names.

17 www.corruptionwatch.org.za/sites/default/files/info-gr-body.jpg

differences are not as clear in mass media where discussion is more mediated by gatekeepers, and this demonstrates an important ability of the internet to extend participation in the public sphere.

Crowds, networks and organisation

The “theory of change”¹⁸ that Corruption Watch has been developing is complex and has multiple components.¹⁹ The organisation values the gathering, investigating and then publicising of reports of corruption in itself, following the famous statement of Louis Brandeis that “sunlight is said to be the best of disinfectants.”²⁰ It prioritises analysis and research as a basis for campaigns – aiming to harness the widespread anger and frustration that can be seen frequently in South African mass media and transform them into public action. It has also identified changing social norms and behaviour as important in changing the environment for corruption. And it has identified a need to reposition corruption as an issue that affects everyone – especially the poor – thus aiming to connect it to broader political debates on social development and service delivery. Lastly, it sees improving accountability and transparency in the agencies responsible for investigating and prosecuting corruption as a means to increase their effectiveness and improve deterrence.

The range and complexity of the organisation’s ambition and its analysis of the complex problem of corruption imply a corresponding complexity in how it uses the internet and other communication tools. While data is valuable in itself, the organisation’s strategies require doing much more than gathering and publicising data. It aims to build a network of partners capable of taking action on the reports it receives and holding prosecuting agencies responsible. It also aims to use online platforms as a means of encouraging and organising action – as organisations such as Avaaz.org have done successfully. This will require further development of the online tools it uses in the future.

Conclusions and action steps

Corruption Watch is not the first anti-corruption organisation to use the internet to gather or disseminate information. The Indian I Paid a Bribe²¹ website, the Russian navalny.ru site and others in Nigeria and Kenya have all used the internet to create platforms for increasing transparency and building anti-corruption communities. Corruption-watch.org.za, though, is one of the most ambitious projects developed to date, aiming not only to record and crowdsource data but also to network citizens and a wide range of institutions together towards action.

The organisation’s strategies and the online platforms themselves are still in development. However, its work so far enables us to identify a number of themes that may be important not only for this project but for others following similar paths:

- Even where internet penetration rates are relatively low, websites and Facebook pages can be used effectively – but this requires integration with other communication channels, which can be challenging and resource intensive.
- As online communities become more representative, there is an opportunity for enabling a public sphere where social norms around corruption can be debated and influenced, especially where mass media have limited reach or are tightly controlled.
- Moving beyond anonymous reporting has allowed Corruption Watch to engage with those reporting – strengthening its capacity to build social activist networks – but it also creates risks that the organisation has to actively manage.
- Corruption Watch’s developing theory of change identifies creating and disseminating information on corruption as important steps, but not sufficient in themselves. Its focus on building strong networks and partnerships is likely to drive further development of how it uses online tools to further its objectives. ■

18 Theories of change are the explicit and implicit theories underlying an organisation’s strategies and priorities that connect their objectives (the change they are seeking) and the means by which these changes will come about. The Corruption Watch staff have been working on developing and articulating a theory of change to inform their strategies. For more on theories of change see Weiss, C. (1997) How Can Theory-Based Evaluation Make Greater Headway?, *Evaluation Review*, 21 (4), p. 501-524.

19 These observations are based on numerous conversations with Corruption Watch staff and founders as well as public statements to be found on the Corruption Watch website.

20 www.brandeis.edu/legacyfund/bio.html

21 ipaidabribe.com

SPAIN

THE POWER OF A CONNECTED SOCIETY TO DEMAND TRANSPARENCY AND SOCIAL RESPONSIBILITY IN SPANISH BANKS: THE CASE OF THE CLEAN BANKING CAMPAIGN BY SETEM



SETEM

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Introduction

Spanish banks can invest in any business and apply the level of transparency they want when it comes to citizens. There are no mandatory standards governing transparency and investment for banks. Banks can develop their own policy of social responsibility and transparency or voluntarily implement standards, codes of conduct or initiatives in the international financial sector.¹ The problem, however, is that ethical codes are voluntary, and even the law allows many activities that are unethical. Furthermore, although there are banks that subscribe to international codes, they are not obliged to meet these principles. This legal imbalance is known as “soft law” (i.e. the voluntary and self-regulated compliance with human rights and international resolutions, the breach of which is not penalised).

For instance, regarding internal regulation on financing and the arms industry, the Corporate Responsibility Report 2010 for the Spanish bank Caixabank reads: “La Caixa, according to its Code of Ethical Values and Principles, will not participate in financing operations or export of material for war or for military use. Also, the Bank excludes any business relationship with companies related to the production or marketing of landmines and/or bombs.” Despite having these internal regulations, Caixabank ranks fourth among banks involved in the arms business in Spain, after BBVA, Banco Santander and Bankia, according to the recent report *Inversiones que son la bomba* (Explosive Investments) by SETEM.²

Every day, banks use our money to finance and invest in companies that make weapons used in conflicts around the world. A recently reported case is that of MAT-120 cluster bombs manufactured by the Spanish company Instalaza in 2007 and used by Muammar Gaddafi in Libya for bombing Misrata. The production of these bombs was financed by at

least eight Spanish banks: Cajalón, Caja España, Caja Mediterráneo, Bankinter, Ibercaja, Banco Popular, Banc Sabadell and La Caixa. This is the starting point for SETEM’s Clean Banking campaign, whose slogan is “We are customers, not accomplices.” The campaign reports on the activities of the main Spanish banks in the arms industry and offers alternatives for action.

The Clean Banking campaign revolves around two reports commissioned from the research centre Profundo: *Dirty Business: Spanish banks financing producers of controversial weapons*³ and *Explosive Investments: Banking business with Spanish arms companies*.⁴ Published only in digital format, both analyse the financial and economic relationships between Spanish banks and 19 of the leading manufacturers of controversial weapons and prohibited arms that cause hundreds of thousands of civilian deaths worldwide. These weapons are nuclear weapons, depleted uranium and prohibited weapons such as chemical and biological weapons, cluster bombs and anti-personnel mines. The report highlights that the Spanish banks BBVA, Banco Santander and Bankia are the three most active in financing companies producing controversial weapons.

Bancalimpia.com

The campaign was launched from an interactive website⁵ on which visitors can see very clearly and easily which “dirty businesses” their bank is investing their money in, read the reports, and participate in cyber actions such as sending an email to the bank, sharing the campaign on social networks or donating to the campaign.

In the last year, bancalimpia.com has received over 100,000 visits, and users have sent over 8,000 emails to their banks to object to the use of their money in the arms industry. There have been several videos and actions on social networks with the clear objective of going viral, and of encouraging participation: visitors to the social network sites share the initiative with their contacts and contribute to the dissemination of the campaign via the internet.

1 More information is available in the 2010 report “Close the Gap” by the BankTrack network: www.banktrack.org/download/close_the_gap/close_the%20gap.pdf

2 www.setem.org/media/pdfs/Informe_inversiones_explosivas3.pdf

3 finanzaseticas.org/wp-content/uploads/2011/05/Dirty-Business-SETEM1.pdf

4 www.setem.org/media/pdfs/Informe_inversiones_explosivas.pdf

5 www.bancalimpia.com

The campaign has achieved some small accomplishments: CatalunyaCaixa has sold its shares in BAE Systems – a producer of nuclear weapons – and BBK has done the same with their shares in Thales. Banco Popular, Bankinter and Banco Santander have also contacted the campaign.

The campaign was nominated as one of the 10 best websites for social activism campaigns worldwide by the BOB Awards,⁶ which rewards projects focused on the right to freedom of expression that encourage open debate on the internet. Highlights of the site include constant updating and clear messages that are easy to understand, and the fact that some banks have begun to respond to the complaints from the public.

This good news contrasts with the silence that the campaign has received from the mass media, and the rest of the banks that have not contacted the campaign.

We have also found a lack of transparency in the reporting of banks' investments, and that the banks will go as far as to block communication on controversial topics. Examples include the sudden interruption of the streaming broadcast of a Banco Santander shareholders' meeting, just when a member of the campaign was speaking, and the difficulties found in getting the mainstream media to report on the campaign. In fact, the Clean Banking campaign is considered one of the great "media silences" of 2011, according to the Media.cat Yearbook 2011,⁷ which considers that the contents of the *Dirty Business* report deserved better media coverage.

The Yearbook reports that in May 2011 the digital editions of the Spanish newspapers ABC, El Mundo, Qué, La Vanguardia and ADN covered the reports. The newspaper Gara, widely read in the Basque Country, also reported on the connection between the cluster bombs and Spanish banks. In addition, a radio programme on the radio station RTVE, called Hora América (America Time), gave SETEM spokespeople the opportunity to explain the report.

The conclusion that emerges from this, according to the Yearbook, is that digital media or digital media publications by the mass media are much more open to cover cases of complaints and violations of rights, while the print editions of the mass media are reluctant to publish such information.

Transparency?

Following the work of the Clean Banking campaign, we have continued to come across a lack of transparency in the banking sector. For instance,

we have encountered many difficulties in finding data, as reports and databases about investment are restricted. For citizens, websites and social networking profiles of banks are basically focused on marketing their products and services, not on reporting what is done with customers' money, or how the bank is organised internally, and so on. As a result it is really difficult to know where investments are taking place.

Fortunately, not all banks are like this, and there is an alternative banking model that does uphold transparency as a fundamental principle: we refer to this as ethical banking. Ethical banking is another way of saving and investing that combines social benefits with economic benefits. Savings accounts, mutual funds or deposits seek the ethical use of money and are committed to socially and environmentally responsible companies.

Ethical financial institutions apply ethical, social and environmental criteria when defining their investment policy, and this also implies defining a policy for transparency. Transparency is a key element that lends coherence and credibility to the ethical finance sector, and facilitates the social transformation of banking. This would be meaningless without the banks' reporting on the projects being funded and investments made in a simple, fair and accessible way.

For partners and customers of ethical financial institutions, a transparency policy mainly involves two things. First, knowing what projects and organisations are being funded or invested in implies that clients know exactly where and why their money is being used. And consequently, this knowledge can bring coherence. Coherence means avoiding what is often a contradiction between personal values and the values that emerge from the use given to our money.

In Spain, ethical banks typically focus their energy on maintaining an online presence where people can learn about their philosophies, operations and projects being invested in. In this way they maximise the huge potential of the internet as a dissemination tool, and as a key means of promotion amongst citizens who demand ethical alternatives. The targets of all investments are shared via their websites⁸ and social networking profiles.

In 2011 the ethical finance sector in Spain increased significantly: deposits have increased by 54%, and loans have gone up 24% from 2010.⁹ This achievement would hardly have been possible

6 thebobs.com/english/about/about-2

7 www.media.cat/anuari/les-guerres-dels-bancs-catalans

8 For examples, see: www.triodos.es, www.oikocredit.cat, www.fiare.com and www.coop57.org

9 www.fets.org/ca-es/general/barometre-2011

without the role played by the internet in the open dissemination and sharing of information.

Action steps

SETEM is committed to exploiting the revolution towards transparency and facilitating dialogue with the public that the internet has enabled. Social networks can help visualise and share information about the transparency of the banking sector and continue to demand real changes.

How do we face up to this challenge? We have different areas of work, ranging from building arguments against the unethical practices of the banking sector, to the promotion of alternatives.

One area that will continue to develop, and which has had more impact in recent years, is shareholder activism (i.e. participation in banks' shareholders' meetings to bring attention to the unethical practices of the company). The process is initiated via the internet – on social networks, through emails to a database of supporters, on a website, etc. – calling for shareholders to delegate to SETEM the right to participate in a shareholders' meeting.¹⁰ For example, in order to attend the meeting of shareholders of BBVA, 511,920 shares were delegated.¹¹ This allowed us to put evidence before the board of directors and shareholders about the continued relationship between the Spanish bank and arms production worldwide, some as controversial as nuclear weapons, cluster bombs and depleted uranium weapons.

On the other hand, we are also working on a new line of action that will involve new actors. In September 2012 we launched the campaign Demand Ethical Banking from Your University,¹² which encourages the university community to ask its own universities to work with ethical banks. This is a participatory campaign with a big focus on online activities, including an ambitious social media plan. The aim is to create a digital identity for the campaign and from there to build online communities with students who want their universities to make the switch to ethical banking. Some of the actions planned are the production of videos by university students that can be circulated across social networks, cyber actions and Twitter actions directed at their own universities, and other forms of campaigning using social networks.

Another of the highlights is the creation of websites that bring together information about

controversial investments by banks that is not offered by the banks themselves – such as Banca Armada (Armed Bank),¹³ a website jointly created by SETEM, the Observatory on Debt in Globalization and the Delas Centre for Justice and Peace, and Bank Secrets,¹⁴ an initiative by BankTrack.

Wishes for the future

Banks will be increasingly less capable of silencing corruption and a lack of social responsibility. The internet opens a huge door to spread information and take action. NGOs and social movements can make cases of rights violations visible and directly promote alternatives – the mass media is not the only partner defending civil rights. Furthermore, the objective is to stop being a one-way voice and create a community of people who support ethical banking, a community which grows and is strengthened through the multiplier effect of the internet.

In this sense, digital media promote the ability not only to spread messages that previously could be censored, but also offer the great advantage that an engaged citizenry can organise and be directly empowered in change campaigns. Social movements such as the 15th of May Movement (15M) in Spain or the Arab Spring were born using social networks. An interesting point is that a critical movement such as Democracia Real Ya (Real Democracy Now) has more Twitter followers than the two major political parties in Spain (PP and PSOE).

Social networks make it possible for the citizens themselves to organise politically, outside structured organisations.

One of the most ambitious campaigns for the 15M Movement is the 15MpaRato¹⁵ campaign. This is an online campaign to collect information about the Bankia case and file a complaint against the perpetrators that have led to its bankruptcy. The campaign explains on its website that “the people can demand responsibilities, we now have the tools on the net to reveal their accounts, their dirty tricks, discredit and prosecute them until they have nowhere to hide.”

This is our desire for the future: a society that uses the power of the internet to organise and take part in building the world we want. ■

10 www.setem.org/blog/es/catalunya/activismo-accionarial-peticion-de-acciones-para-asistir-a-la-junta-de-accionistas-de-la-caixa

11 www.setem.org/blog/es/catalunya/bbva-ocupa-la-primera-posicion-en-el-ranking-de-la-banca-armada-espanola

12 www.demanabancaetica.org

13 bancaarmada.org

14 lossecretosdelosbancos.org

15 15mparato.wordpress.com

SWITZERLAND

SWITZERLAND: FACETS OF AN UNIMPOSING PROBLEM



Comunica-ch

Wolf Ludwig
www.comunica-ch.net

Introduction

Usually, Switzerland is not perceived in conjunction with phenomena like corruption or varieties of bad governance. Geneva is the home of a major United Nations seat and the four Geneva Conventions of 1949, the two Additional Protocols of 1977 and the Additional Protocol of 2005 that form the core of international humanitarian law.¹ Furthermore, it is the homeland of the International Committee of the Red Cross, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal,² and comparable institutions. In wealthy and affluent societies, corruption is seen as less pervasive.

Switzerland's financial centre plays a central role in its economy with regards to labour, the creation of value and tax revenue. The financial sector is responsible for roughly 11.5% of the gross domestic product and employs 6% of the workforce. Furthermore, this sector contributes approximately 10% of the country's income and corporate tax revenue. Switzerland's general stability accounts for its international reputation as a preferred provider of financial services. Important competitive advantages are, for instance, its political constancy and the stability of its currency. Switzerland also plays a leading global role in asset management: roughly one third of all private assets invested abroad are managed by Swiss banks.³

Country situation

According to the Transparency International (TI) Corruption Perceptions Index 2011, Switzerland is at the forefront with a reputable eighth position behind New Zealand, Scandinavian countries, Singapore and the Netherlands.⁴ But this is only one side of the coin and reflects a common perception.

A closer look at the Swiss Alps republic offers plenty of less laudable facets.

A main pillar and pride of Swiss identity is its longstanding neutrality. Over broad periods of its contemporary history, Switzerland used this special status for all sorts of doubtful collaborations. Among the more familiar is the Nazi gold transferred by Nazi Germany to Swiss and overseas banks before and during the Second World War.⁵ And over the course of decades, Switzerland was a safe harbour for fraud and embezzlement of national wealth for almost all despots around the world, including Idi Amin (Uganda), Jean-Bedel Bokassa (Central African Republic), Joseph Desire Mobutu (Zaire), "Baby Doc" Duvalier (Haiti) and Ferdinand Edralin Marcos (Philippines), among many others.⁶ Money laundering on a broad scale for Latin American and other drug cartels was another lucrative line of business for Swiss banks.⁷ Huge treasures of peculated national wealth from all over the globe are stashed in Swiss bank accounts, totalling around 2.7 trillion Swiss francs, according to the Swiss Bankers Association.⁸ Among accomplished gentlemen at the Zurich Paradeplatz, the gathering place for Swiss bankers, a common understanding that "money has no smell" prevails. Almost constitutional in this respect is the famous Swiss bank secrecy – another pillar of Swiss national identity or particularity.

"Potentate money"

On the one hand, the country's elite stands on its immaculate image as honourable bourgeoisie; on the other hand, they never had any scruples about serving as helpers and dealers of the world's worst scoundrels. While the international community closed ranks for the UN boycott against the South African apartheid regime, Swiss business and bankers proved beneficial for the regime.⁹ As always, money has no smell, and whatever serves one's own

1 www.eda.admin.ch/eda/en/home/topics/intla/humlaw/gecons.html

2 www.basel.int

3 www.transparency.ch/financialcentre

4 cpi.transparency.org/cpi2011/results and www.transparency.org/news/pressrelease/20111201_cpi

5 en.wikipedia.org/wiki/Nazi_gold and en.wikipedia.org/wiki/World_Jewish_Congress_lawsuit_against_Swiss_Banks

6 Ziegler, J. (1992) *Die Schweiz wäscht weisser: Die Finanzdrehscheibe des internationalen Verbrechens*, Knauer, Munich.

7 Trepp, G. (1996) *Swiss Connection*, Unionsverlag, Zurich.

8 www.swissbanking.org/en/home.htm and www.spiegel.de/spiegel/print/d-88754355.html

9 www.apartheid-reparations.ch/documents/reparationen/WSP_en_05.pdf

interests cannot be doubtful. And the Swiss government, while continuously praising the country's "humanitarian tradition" and values, has tolerated this distinct form of hypocrisy over decades. "Cases like Abacha, Marcos and Duvalier clearly show that Swiss bank accounts were continuously abused by dictators... [and this] has impaired the reputation of the country's finance centre," says TI.

This inglorious tradition or business-as-usual policy has seen a constant but hesitant change in recent years through the freezing of illicit assets. Switzerland has undertaken various steps on the legal front over the last years to strip off its negative image as shelter for illegal money from "politically exposed persons" or so-called "potentate money".¹⁰ In 1997, the parliament passed a new law to combat money laundering, corruption and the financing of terrorism in the financial sector – the GwG.¹¹ Another challenge for the Swiss government was a transparent and fair restitution of illicit assets act – the Act on the Restitution of Illicit Assets (LRAI), also known as "Lex Duvalier" – which entered into force in February 2011.¹²

According to the Swiss Foreign Office:

Switzerland has returned about 1.7 billion Swiss francs to countries of origin, which is more than any other financial centre of a comparable size. Individual cases attract considerable publicity on account of the high profile of the people and the amounts of money involved. Examples include: the Montesinos case, Peru, 2002; the Marcos case, the Philippines, 2003; the Abacha case, Nigeria, 2005; the Angolese assets case, Angola, 2005; the Kazakh assets case, Kazakhstan, 2007; the Salinas case, Mexico, 2008. Some cases are particularly complex to solve. Among them, one can mention the Mobutu case (Democratic Republic of Congo or DRC) and the Duvalier case (Haiti). In the Mobutu case, Switzerland strove during 12 years to return the frozen assets to the DRC. This challenge finally failed among others because of the lack of cooperation of [the DRC].¹³

TI together with other Swiss NGOs is closely observing such restitutions to the countries of origin as well as their appropriate expenditure.

Lessons learned: The Arab Spring cases

Some observers argue that there was an incontestable change of policy when the former minister of foreign affairs, Micheline Calmy-Rey (2003-2011), a member of the Social Democratic Party (SPS), came into office. In recent cases the Swiss government proved to be alert and responsive. At the beginning of 2011, Switzerland was the first country to freeze assets held by the former Egyptian and Tunisian leaders and their entourages, in order to return the illicit assets by means of legal assistance and in cooperation with the countries concerned. At an international experts meeting in January 2011 in Lausanne, the Federal Department of Foreign Affairs (FDFA) stated:

It was Switzerland's wish to bring together the various actors from these states and these financial centres a year after the events. The purpose was to summarize the first lessons learned from the experience, to examine possibilities of future action and to strengthen contacts between the different governmental actors and inter-governmental organizations concerned with the recovery of stolen assets.

This was the sixth seminar as part of the Lausanne Process launched by the FDFA in 2001 to promote dialogue between countries affected by corruption and recipient countries of illicitly acquired assets.¹⁴

While considerable progress was made in terms of illicit assets, Switzerland is still a safe harbour for tax evasion from neighbouring countries like Germany, France, Italy and others. Under constant pressure from the European Union (EU) and the Organisation for Economic Co-operation and Development (OECD) over the last years, Switzerland is redefining its tradition of bank secrecy and has started bare-knuckle negotiations with the German government. This has resulted in a bilateral tax treaty (Steuerabkommen) that is still strongly disputed in the German parliament and public for not being effective enough.

The export sector

Switzerland's wealth is not so much based on its financial sector but rather on exports.¹⁵ Another facet of the corruption and bribery story is Swiss enterprises doing business abroad where "bribery is almost a day-to-day routine." According to a survey published by the University of Applied Sciences in Chur (HWT), around 40% of Swiss enterprises are

10 www.transparency.ch/de/aktivitaeten/potentatengelder/index.php?navanchor=2110020

11 www.admin.ch/ch/d/sr/9/955.o.de.pdf

12 www.admin.ch/ch/d/sr/c196_1.html and www.eda.admin.ch/eda/en/home/topics/finrec/intcr/poexpt.html

13 Ibid.

14 www.news.admin.ch/message/index.html?lang=en&msgid=43127 and www.eda.admin.ch/eda/en/home/recent/media/single.html?id=37632

15 www.rudolfstrahm.ch/wp-content/uploads/2012/03/buchbestellschein-hep.pdf

confronted with bribery demands. And more than half of them concede to such practises. In total, more than a fifth of 510 export companies surveyed are using bribery to land contracts – “a surprisingly high share” say the authors of the study.¹⁶

For TI this finding once again shows gaps in the legal order. On one side, bribing of foreign officials is a punishable offence. Furthermore, enterprises that do not take precautions can be prosecuted and fined up to five million Swiss francs. However, not punishable is the so-called “business climate care work” which includes favours for foreign officials that do not involve official orders or authorisations.

According to TI spokesperson Delphine Centlivres, “Corruption is a deed with two offenders, whereas a victim in the classical sense is missing.” Therefore, law enforcement agencies are rarely informed about such abuses and “nobody invokes the courts.” Subsequently, condemnations for bribery abroad are extremely rare. An exception from the rule was the Alstom case when the French energy and transport giant was fined 2.5 million Swiss francs for bribes in Latvia, Tunisia and Malaysia in 2011. According to the Office of the Attorney General of Switzerland, Alstom used a number of middlemen to veil payments to foreign officials. A total of 24 criminal procedures were launched.¹⁷

OECD progress report

A recent TI report on the Progress Report on Exporting Corruption published by the OECD indicates that corruption charges increasingly lead to fines, imprisonments and claims of damages against reputation. With 52 anti-corruption cases and a share of 1.5% of world trade, Switzerland belongs to the seven countries actively implementing the OECD anti-bribery convention.¹⁸ However, the number of cases is still rather small and imposed sanctions are often not deterrent enough. Furthermore, regulations against bribery in the private sector should be intensified and incorporated into the criminal code. Moreover, national regulations for granting of undue advantages should not be limited to public officials in Switzerland only, but equally applicable to officials abroad.¹⁹

Spicy side notes

Other unsavoury corruption stories in the country involve the International Olympic Committee (IOC), seated in Lausanne, and the World Football Association FIFA, based in Zurich. Over the years, the media has continuously reported about hair-raising corruption stories from these organisations. “Corruption in sport became endemic and endangers the integrity of Olympic sports gravely,” says Richard Pound, who has been the IOC vice president for many years. The overwhelming majority of the 35 Olympic World Sport Associations have taken no precautions to prevent and combat corruption. Most associations and their officials are not even aware of the problem. As head of an internal assessment commission in the bribery case of Salt Lake City, Pound saved the IOC from the corruption nemesis in 1999.²⁰ After persistent criticism and pressure the IOC established an Ethics Commission to investigate its notoriously incompetent executive board members.

In recent times, the turmoil around FIFA and its autocratic boss Sepp Blatter has bothered Swiss parliamentarians. Notorious scandals at the FIFA headquarters in Zurich were not an issue for Swiss politicians until December 2010, when new revelations about bribery cases in the top management became public. A 20-million-euro sponsoring deal between FIFA and Interpol, the specialised agency to combat international crime, covering 40% of Interpol’s annual budget, was singled out by a Swiss MP: “It’s like the smuggler bribing the customs officer.” In several motions by political parties the government was urged to take actions against common corruption and betting manipulations in sports associations. Parliamentarians asked for termination of unjustified tax privileges and exemptions for FIFA which were “harming Switzerland’s reputation.”²¹

As of now, the IOC and FIFA are not subject to Swiss corruption laws – the Confederation still considers them ordinary associations, despite the fact that the Olympic umbrella organisation conducts the games every four years with turnovers of around USD 6 billion. With its four-yearly World Cup, FIFA generates around USD 4 billion. Yet the direction of these mega events is not legally considered a

16 www.transparency.ch/de/aktuelles/meldungen/2012_10_19_DerBund_Jedes_fuenfte_Unternehmen_zahlt_im_Ausland_Schmiergelder.php?navid=1

17 *Ibid.*

18 www.oecd.org/daf/briberyininternationalbusiness/anti-briberyconvention/38028044.pdf

19 www.transparency.ch/de/aktuelles_schweiz/meldungen/2012_09_05_Pressemitteilung_OECD_Progress_Report_2012.php?navid=1 and transparency.ch/de/PDF_files/Divers/2012_ExportingCorruption_OECD_Progress_Report_EN.pdf

20 www.stuttgarter-zeitung.de/inhalt.korruption-bei-fifa-und-ioc-der-kampf-gegen-die-schattenmaenner.b09f633f-4bd3-4365-b2f5-b60c8c6270fb.html; www.weltbild.ch/3/17401951-1/ebook/korruption-im-ioc.html and Sitarek, J. (2004) *Quo vadis, IOC? Der Korruptionsskandal um die Vergabe der Olympischen Winterspiele an Salt Lake City 2002 und die Folgen*, Diplomica, Hamburg.

21 www.tagesanzeiger.ch/schweiz/standard/Die-Schweiz-nimmt-Schaden/story/22748653?dossier_id=1536 and www.tagesanzeiger.ch/Sport/dossier2.html?dossier_id=1536

business operation. Misconduct inside the world's biggest sport organisations is subject only to a sort of self-administered justice or a kind of dysfunctional self-regulation.²²

Conclusions

There is no evidence or obvious causality that the internet was crucial for revealing corruption problems in the country, besides increasingly promoting transparency and accountability. Over the years, Swiss NGOs specialised in development cooperation like the Berne Declaration and others have been doing their best to sensitise the public and to launch campaigns that improve the compliance of Swiss global players abroad:

Business opportunities for corporations have greatly increased in recent years. Swiss corporations buy, invest, produce, and sell all over the world nowadays. The Berne Declaration makes sure that they act responsibly towards the societies and the environments in which they operate. This is particularly important in areas where Swiss concerns are major global players: in pharmaceuticals, agribusiness and finance.²³

Civil society and NGOs are increasingly using new communication tools and platforms to launch petitions and campaigns and to improve public scrutiny.

Action steps

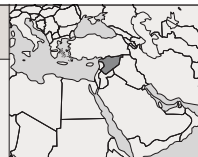
- The sensitisation of the public, political parties and parliamentarians about the various impacts of corruption in Swiss politics and business is necessary. The internet and related communication tools have become an important instrument for civil society and NGOs to increase awareness and the transparency and accountability of the country's institutions, where established media do not properly perform this watchdog function.
- The excellent work TI is doing needs stronger public support and recognition.
- There is a need for the reconsideration and modification of the IOC's and FIFA's legal status as business entities and increased control.
- Critical voices like the Berne Declaration and other NGOs specialised in development cooperation in its various facets should be listened to by the country's political and business actors. ■

22 www.news.de/sport/855089725/sport-als-rechtsinsel-feigenblatt-ethikkommission/1

23 www.evb.ch/en/f25000037.html

SYRIA

YOUNG SYRIANS TACKLE CORRUPTION USING THE INTERNET



Anas Tawileh

Introduction

Fighting corruption is a very high priority on the development agenda of many developing countries, and Syria is no exception. Several initiatives have been launched in the country to increase the government's transparency towards its citizens. In the 2011 Corruption Perceptions Index, Syria ranked 129th of 182 countries, with a score of 2.6 for the index.¹ In the previous year, the country occupied the 126th place, scoring 2.5 on the index. Clearly, more initiatives are still needed to fight corruption, and more effective tools must be utilised to support these initiatives. A study by Dreher and Herzfeld in 2005² estimated that Syria loses an average of USD 34 of its per capita GDP as a result of corruption.

In their search for effective tools to support anti-corruption initiatives, Syrians noticed the remarkable growth in mobile and internet penetration over the past few years. Internet penetration in 2010 was 19.8%,³ and around 10 million Syrians had mobile phones in 2009.⁴ Leveraging these technologies and their growing popularity among the country's population to contribute to the fight against corruption became an obvious choice.

Policy and legislative environment

A report produced by the committee tasked with establishing measures to prevent and fight corruption, published in 2011, clearly mentions the passive and sometimes negative attitude of most citizens when it comes to corruption, and sees this as a significant hurdle facing reform efforts. The committee's recommendations included finding ways to convince citizens that their complaints are taken seriously, and that they count when it comes to building a more transparent, effective and efficient public sector. Additionally, the report recommended establishing mechanisms for continuous monitoring

of the administrative performance of government agencies to reduce the potential for corruption.

Syrian legislators have explicitly criminalised corruption. For example, article 31 of the Economic Criminal Law states: "The initiation of an economic crime is as a full crime. Most of the acts of corruption are considered economic crimes, and punishable by economic criminal law."⁵

Using ICTs to fight corruption

In a project designed to empower the Syrian youth, conceived and implemented by the Syria Trust for Development,⁶ participants (mostly youth aged between 14 and 16 years) were asked to identify development issues and challenges faced by their local communities, and develop solutions that leverage ICTs to address these challenges. In one brainstorming session for the project, participants in the city of Homs in central Syria identified the passive attitude of their fellow citizens towards voicing their concerns and complaining about problems in the provision of governmental services. They believed that this can be attributed to two main reasons. Firstly, people do not believe that their complaints are taken seriously, and they feel that the government is indifferent towards their opinions and needs. Secondly, even if someone wanted to complain, there are no clear mechanisms or communication channels for them to do so.

Another problem identified by the project participants was the negative perception of ICTs among citizens. While the younger generation was eager to learn and adopt new ICT technologies, older citizens were more cynical of the benefits that can be gained from their use, and could not appreciate the potential of these technologies in their lives and communities. There was a widespread belief among older generations that these technologies are mostly used to access inappropriate content or are a wasteful use of time, and that such usage does not justify the high expenses associated with their use.

In a brilliant stroke of creativity, the team decided to design a project that would improve the perception of the older generations towards ICTs by

1 cpi.transparency.org/cpi2011

2 Dreher, A. and Herzfeld, T. (2005) *The Economic Costs of Corruption: A Survey and New Evidence*. 129.3.20.41/eps/pe/papers/0506/0506001.pdf

3 Internet World Stats www.internetworldstats.com/middle.htm

4 Economy Watch www.economywatch.com/economic-statistics/Syria/Telephone_Statistics/

5 Translations are as per official government translations.

6 www.syriatrust.org

demonstrating how effective these tools can be in creating communication channels between citizens and the local administration. The team met with officers from the local electricity supply company and the city's municipality to sell their idea. They noticed great enthusiasm among the management of these agencies for creative ways of leveraging ICTs to strengthen connections between them and the citizens of their localities, and for improving public participation in the monitoring of local service provision. This, they believed, would increase transparency and accountability, and reduce the potential for corruption in these service areas.

To test those assumptions, the project team designed a web portal that would enable citizens to register complaints about the delivery of local services. Complaints registered in the system would be submitted to the relevant agency for response or proper resolution, and the citizen who registered the complaint could track its status and progress.

However, in the early stages of project evaluation, the project team concluded that the low internet penetration rate in the local community, and the high costs (both financial and technical) associated with the use of this communication channel at the time, would hinder the participation of a large number of potential beneficiaries of the system. Using mobile phones as an alternative point of contact was a more attractive option. Almost every person that could use the system owns a mobile phone, and the costs of mobile messaging are reasonable. Moreover, using the system through a mobile phone does not require excessive technical knowledge, which lowers the barriers to use for many potential users.

Implementing such an elaborate system that utilises mobile communications, as well as the web, as the main point of contact with the citizen, required specialised skills and expertise. Unfortunately, the project's young team did not possess such skills. Luckily, not long after they faced these technical challenges, the project leader, Eiad Yafi, stumbled upon Ushahidi, the mobile and web reporting platform.⁷ Yafi discussed the potential for the use of Ushahidi to build the complaints and public service monitoring platform with the project team, and a workshop for this purpose was conducted shortly after.

The main idea behind the "e-complaints platform" (as the project was named) was to enable residents in the city of Homs to monitor the provision of the services of the electricity company and the city's municipality. If they found any issues or problems, or witnessed an incident of corruption,

they could immediately report the problem using the platform by either sending a text message or through the online web interface. They could also submit photos to document the problem being reported. The submitted problem reports or complaints are displayed on a map view on the platform, and an email request is immediately sent to the organisation responsible for this type of problem within the reported geographic areas (see Figure 1).

When the complaint is addressed and the problem it reports is solved, it will be removed from the map. Using Ushahidi's timeline feature, management in the concerned agencies can monitor the performance of complaint handling in their agencies by noting the timeframe during which each complaint was visible on the map. This feature was considered a great tool for establishing responsibility and accountability, as it gives management an objective assessment of the performance of their staff. It also reduces the potential for corruption as employees in the workflow for any service provision within these agencies would know that many eyes are watching over their shoulders. This, effectively, crowd-sources monitoring of administrative performance by the citizens themselves, which is one of the recommendations from the committee for fighting corruption.

Management can also use the elaborate, nicely visualised reports that can be produced by the platform to compare performance across different parts of their organisation, and establish benchmarks for the workflows required to address certain types of problems or issues. The reports can also show the corruption or carelessness levels in different departments or geographic areas. Management can use this information to better target and prioritise their anti-corruption and accountability initiatives and activities.

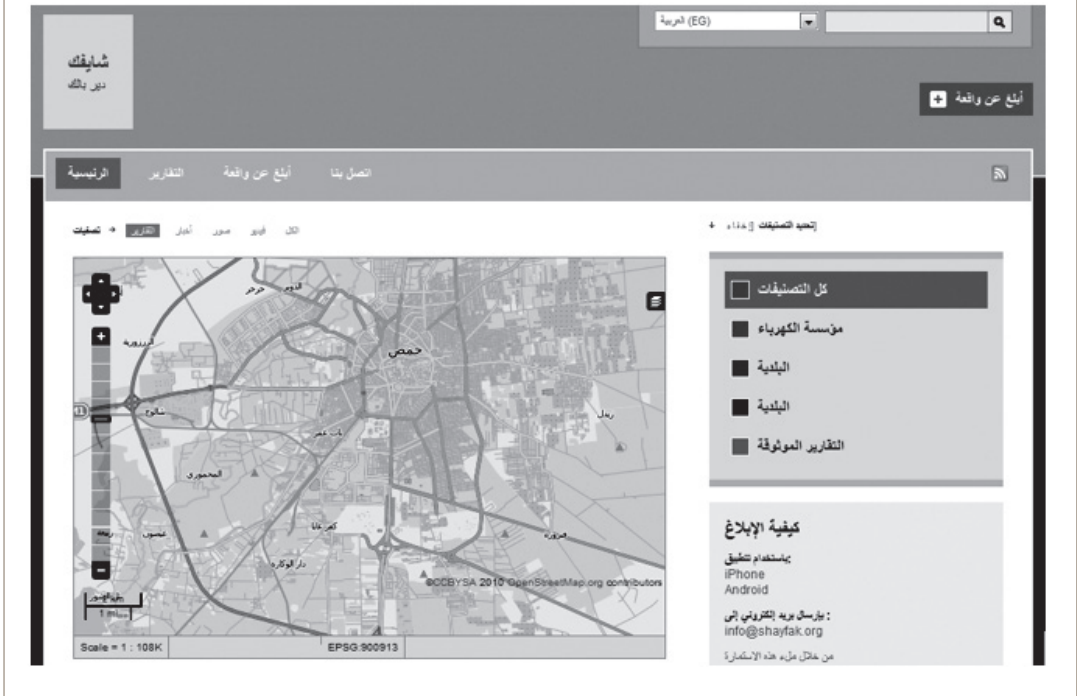
The project team also developed an additional feature that uses colour-coding to indicate the status of each complaint. By enabling this feature, citizens can quickly understand the status of their complaint based on its current colour, as different colours denote varying stages in the complaint report and resolution process. Management of the concerned agencies can also use this feature to quickly assess the problem areas within their agencies, and evaluate the amount of work required to address citizens' complaints.

While the project was initially planned to include the electricity supply company and the local municipality in its pilot and feasibility assessment phase, the youth behind the idea were very ambitious. During their project design workshops, they planned to scale up the project, contingent on the outcomes of

⁷ ushahidi.com

FIGURE 1

The e-complaint online platform



its pilot phase, to include all government agencies in the city of Homs, and probably all over Syria. They also thought of expanding its scope beyond the government to include private sector companies as well. This, they believed, can be an important source of revenue that is much needed to ensure the sustainability of the project, without compromising its transparency and independence. The platform services could be sold to companies in the private sector as an outsourced complaint management service, and the revenues could be utilised to cover the costs for platform support and future development.

Unfortunately, just before the platform was scheduled to be launched, unrest erupted in the city, and the project team was forced to put its plans on hold until the situation stabilises. However, the team remains determined to launch the platform as an experiment that demonstrates how ICTs can be leveraged to address delicate issues like corruption, transparency and accountability.

Conclusions

While the delayed launch of the e-complaints platform did not allow the provision of a concrete report on its actual use or the identification of specific situations where the platform contributed to reduce

corruption and increase accountability, the process through which the platform was developed, and the potential it holds, offer significant lessons.

Probably the most important feature of the platform is the fact that its idea was completely conceived, developed and implemented by young Syrians aged between 14 and 16 years. This clearly shows the determination of the upcoming generations to tackle the challenges that hindered the development of their countries for decades. It is remarkable to see children of this age thinking about ways to empower their fellow citizens and hold their government accountable.

Secondly, the project team believed that they can actually develop a solution that leverages emerging ICTs to address the complex, multifaceted and widespread problem of corruption. It seems that the children have a clear perception of the internet as an open, transparent and equitable communications channel that can give voice to the voiceless. This, they thought, may encourage citizens to change their attitude towards holding their public servants accountable, and take a tougher stance towards corruption.

But opening up communications between the government and its citizens requires strong will

from both sides. The project team believed that ICTs can actually make the process of complaining and voicing concerns accessible to every citizen. However, the government should also be willing to listen, and to take the citizens' engagement seriously. For this purpose, the project team actively pursued meetings with the top management of several government agencies to secure their participation in the project. Management of these agencies echoed the public's concerns about fighting corruption and improving transparency and accountability, and were keen to use the platform to develop their organisations.

Action steps

- Investigate similar ways to leverage the capacity of ICTs to provide easily accessible, equitable and widespread access to citizens to engage them in the fight against corruption.
- Focus on the younger generations who have a stronger belief in their own ability to fight corruption and increase government transparency, and in the potential for ICTs to play an important role in facilitating this process.
- Identify all concerned stakeholders, secure their commitment to the initiatives from the outset, and consider their input into the development of these initiatives.
- Leverage ICTs as a medium for raising awareness about the negative consequences of corruption, and how these tools can be used to increase the public's monitoring of the areas that are suspected of high levels of corruption.
- Liaise with the government to discuss the cost-effective ways that ICTs can be used to strengthen citizen-government communications and citizens' participation in the public sphere. ■

TANZANIA

MONITORING CORRUPTION ONLINE IN TANZANIA



CIPESA

Lillian Nalwoga
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Background

The introduction of multi-party democracy in Tanzania in 1992 has seen citizens demand greater efforts from leaders in the fight against corruption. There have been some plausible efforts by the government, such as the formation of a Presidential Commission against Corruption by President William Mkapa in 1995, to assess the state of corruption in the country. The commission produced one of the well-regarded analyses of corruption in African states, known as the “Warioba Report”. It identified areas where corruption occurs and revealed the mechanisms – regulations and procedures – that facilitate corruption. But, rather than decreasing, corruption continues to flourish in Tanzania, with current president Jakaya Mrisho Kikwete widely criticised for not doing enough to rein in the vice.

The 2011 Transparency International (TI) Corruption Perceptions Index ranks Tanzania at position 100 out of 183 countries.¹ The index measures the extent of corruption in the public sector. Countries are scored based on the extent of bribery among public officials, kickbacks in public procurement, embezzlement of public funds, and the strength and effectiveness of anti-corruption efforts. Nonetheless, reports from the Tanzania Prevention and Combating of Corruption Bureau (PCCB) indicate that from 1995 to March 2012, several actions have been taken in combating corruption in the country. Some 54,860 allegations have been received; 967 public servants inclined to take bribes and other corrupt behaviour have received administrative actions; 1,547 cases have been filed in court under the new Prevention and Combating of Corruption Act (PCCA) (2007); there have been 308 convictions against corrupt offenders; and over USD 59 million has been recovered by the PCCB.² However, both grand and petty corruption persist in Tanzania, from offering a bribe to register a company and providing

incentives to a public health worker in order to receive treatment, to bribing a traffic policeman, paying local councillors and magistrates to decide a case in one’s favour, and grand embezzlement of public finances.

Policy and political background

Tanzania has in place a number of comprehensive laws to fight against corruption. These laws can be traced back to the colonial times where the British colonial regime introduced and enacted several pieces of legislation to outlaw corrupt practices. It is at this time that the first Penal Code (1938), second Penal Code (1945) and Prevention of Corruption Ordinance (PCO) of 1958 were introduced. However, in 1971, the PCO was repealed and replaced by the Prevention of Corruption Act (PCA), whose amendment in 1974 led to the establishment of the Anti-Corruption Squad (ACS) in 1975. The PCA was further amended in 1991 and the ACS had its name changed to the Prevention of Corruption Bureau (PCB).³ The Prevention of Corruption Act was repealed and replaced by the Prevention and Combating of Corruption Act or PCCA.⁴

Key anti-corruption institutions in Tanzania include the Prevention and Combating of Corruption Bureau or PCCB; the Director of Public Prosecutions (DPP); and the Commission for Human Rights and Good Governance (CHRAGG), the latter being Tanzania’s national focal point for the promotion and protection of human rights and good governance. CHRAGG was established in fulfilment of the 13th Amendment to the country’s Constitution (1997). Other institutions include the Ethics Secretariat, under the Public Leadership Code of Ethics Act, Cap 398 (1997); the Public Ethics Commission; the National Audit Office (NAO); the Public Procurement Appeals Authority (PPAA); the Good Governance Coordination Unit (GGCU); and the Financial Intelligence Unit, established within the Ministry of Finance.

Despite having this legislation and these oversight institutions in place, corruption in Tanzania continues to flourish.

1 cpi.transparency.org/cpi2011/results

2 www.pccb.go.tz/index.php/10-investigation/takwimu/12-case-statistics

3 Its name was changed to the PCCB under the PCCA.

4 www.pccb.go.tz/index.php/about-pccb/historical-background

Tracking and reporting corruption online

Information and communications technology (ICT) tools can be used in the fight against corruption, including for prevention, detection, analysis, and corrective action.⁵ The internet, for example, can play a vital role in improving transparency, accountability and participation. The increasing number of internet users in Tanzania can further spur this new development in the fight against corruption. Internet usage in Tanzania is estimated at 5.9 million users with a 11.5% penetration rate of the population.⁶ The fight against corruption has been taken online in the view of not only providing citizens with readily available information about corruption trends in the country but also to expose the government's weakness in fighting the vice.

One such effort is the Tanzania Anti-Corruption Tracker System (CTS) that was developed to keep a track record of publicly available information on presumed or confirmed cases of corruption in order to increase accountability and responsiveness in the fight against corruption in the country.⁷ The web-based platform is hosted and managed by Agenda Participation 2000, a Tanzanian NGO working to promote a culture of good governance and democracy. It is a unique civil society-led initiative in the fight against corruption. Since its launch in May 2009, the system has been a vital tool for references on corruption issues in Tanzania. It is reported that on average the CTS receives 15 visits every minute, a statistic that key government websites responsible for curbing corruption do not reach.⁸ Further, some of the stories published on the website have apparently been acted upon by government. This can be attributed to the fact that the system works collaboratively and in liaison with major agencies, institutions and groups involved in the fight against corruption in Tanzania – including the PCCB, the Ethics Commission,⁹ media institutions and leading CSOs. Verified stories received by the CTS are shared with an editorial team before dissemination to various audiences in monthly bulletins and via the website.

The system reports that the Tanzanian government has taken action as a result of stories

published on the website. Most notable was the massive staff overhaul¹⁰ and reshuffle at the National Housing Corporation (NHC) following an article on the website, "Is NHC a den of corruption?",¹¹ and a subsequent article, "It is now official – NHC is a corrupt institution".¹²

In another instance, the site reports success in creating awareness about the case of a Chinese-Tanzanian national whose court case had stalled for over six years – but upon it being published two years ago on the CTS website it was picked up in court again. Ms. Jinglang, a Chinese-Tanzanian national, had been falsely evicted from her flat in the Morogoro Store at Oysterbay by the NHC in 2006. It is reported that the NHC used an unlicensed court broker, and the eviction was done in Ms. Jinglang's absence. It is also alleged that she ended up losing property worth USD 300,000. The case was picked up in 2010 by the CTS and reported extensively, citing clear evidence of corruption and misuse of power by the NHC during the eviction exercise. The site further reports that the appearance of the story on their platform helped trigger the shake-up at the NHC headquarters. However, the case remained unattended to in Tanzania's judicial system, despite their attempts to mediate and seek an out-of-court settlement from the NHC on behalf of the complainant. However, in February 2012, Jinglang was accorded justice when her appeal was revisited by the Dar es Salaam High Court. She was awarded over USD 127, 000 (TZS 200 million) in compensation.¹³

Although the site has registered successes through published stories being acted upon, it has not documented the challenges or obstacles it has had to face in its quest to fight corruption.

The CTS is not alone in this battle: it is joined by initiatives such as the Chango project, which uses music, mobile phones and social media to campaign against corruption, selfishness and laziness. The project now maintains a blog which is constantly updated with their anti-corruption songs.¹⁴ Another initiative, the Ramani Tandale, allows citizens to

5 www.spidercenter.org/sites/default/files/Increasing%20transparency%20and%20fighting%20corruption%20through%20ICT.pdf

6 www.itnewsafrika.com/2012/06/country-focus-tanzania-state-of-ict

7 www.corruptiontracker.or.tz/dev/index.php?option=com_content&view=article&id=13&Itemid=48&lang=en

8 voices-against-corruption.ning.com/page/accountability-counts-lessons

9 Different to the Ethics Secretariat mentioned above.

10 www.corruptiontracker.or.tz/dev/index.php?option=com_content&view=article&id=13&Itemid=48&lang=en

11 www.corruptiontracker.or.tz/dev/index.php?option=com_content&view=article&id=79%3A-corruption-in-housing-is-nhc-a-den-of-corruption&catid=18%3Acurrent-issues-&Itemid=51&lang=en

12 www.corruptiontracker.or.tz/dev/index.php?option=com_content&view=article&id=92%3Ait-is-now-official-nhc-is-a-corrupt-institution&catid=18%3Acurrent-issues-&Itemid=51&lang=en

13 www.corruptiontracker.or.tz/dev/index.php?option=com_content&view=article&id=243%3Aa-case-of-david-vs-goliath-as-nhc-loses-corrupt-eviction-case-&catid=18%3Acurrent-issues-&Itemid=51&lang=en

14 chanjoyarushwa.blogspot.com

report on service delivery and tasks the government with providing better services.¹⁵ Further, CHRAGG is using ICTs to facilitate citizen reporting on corruption and related service delivery complaints through mobile phones.¹⁶ In particular, the commission is now using SMS to enable individuals to file complaints, check the status of previously filed complaints, and receive feedback through a web and mobile platform.¹⁷

More interestingly, the Tanzanian government has also taken the fight against corruption online. The Minister for the President's Office stresses the importance of online tracking of how government money is spent as a means of reducing corruption.¹⁸ Indeed, Tanzania is one of two East African countries that joined the Open Government Partnership, a global initiative that aims at promoting transparency, empowering citizens, fighting corruption and encouraging the use of new technologies to improve governance. An open data website has been launched as one of the commitments by the Tanzanian government to make information available to the Tanzanian citizenry.¹⁹

Conclusions

In a country where corruption is rampant and the government seems to take a slow pace in implementing its legislation, citizens have chosen to expose corruption online. The cases in Tanzania perhaps demonstrate a paradigm shift in the manner in which ICTs, especially the internet, can increase transparency in government operations. The internet provides a means through which citizens can effectively demand accountability and transparency from their leaders. The fact that the Tanzanian government recognises the value of openness, as witnessed in its decision to open up its data, is an indication of the government's intention and the potential role of the internet in promoting transparency. However, opening up data without proper implementation of anti-corruption legislation will not yield the desired impact.

Action steps

The internet simply provides a medium through which corruption can be fought. Activists should therefore:

- Demand for the proper implementation of laws and policies that address corruption. Such laws should not only address the transparency of government but should also demand respect for freedom of expression online, freedom of assembly, and access to information.
- Embrace opportunities provided by social media. Social media initiatives should be adopted to actively engage citizens in sharing information as well as changing their attitudes towards corruption.
- Internet penetration in Tanzania is still low and mostly enjoyed in urban areas. There is therefore a need to actively advocate for cost-effective access with a widespread reach. This means using technologies such as radio that can allow citizens to engage their leaders and demand increased transparency. ■

¹⁵ tandale.ramanitanzania.org

¹⁶ chragg.go.tz

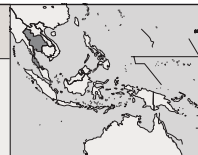
¹⁷ www.ict4democracy.org/about/partnerproject-briefs/tchrgg

¹⁸ www.guardian.co.uk/public-leaders-network/2012/apr/18/open-government-tanzania-corruption

¹⁹ www.opengov.go.tz

THAILAND

THE INTERNET IN THAILAND: THE BATTLE FOR A TRANSPARENT AND ACCOUNTABLE MONARCHY



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Introduction

Thailand, in theory, is a democratic country with the king as the head of state. Under the Constitution of Thailand, the monarch has ceremonial duties only, and does not have executive powers (but rather has elected representatives act on his behalf).

In reality, however, Thai politics is far more messy and complicated, partly because of interference from the “invisible hands”, a popular term used by local media meaning unconstitutional power which cannot be examined and held accountable. This can be seen from the past 18 military coup d'états in the 80 years since the forced change from absolute to constitutional monarchy in 1932.

Although the king has no executive powers, the monarchy has a significant role in Thailand's public affairs, a role which is recognised by the government. For example, hundreds of development projects in rural areas across Thailand are patronised by royals, the national day has been changed to coincide with King Bhumibol's birthday, royals personally present diplomas to public university graduates, and, last but not least, it is law that everyone must stand while the royal anthem is played before any movie or performance.

This is largely a result of the revival of the monarchy's public role by former prime minister Field Marshall Sarit Thanarat, who seized power in a coup and promoted the monarchy to justify his dictatorship. With a harsh *lèse majesté* law and incessant one-sided positive-only publicity about the royals, the monarchy's popularity has risen to that of high reverence.

Policy and political background

In his paper “Network Monarchy and Legitimacy Crises in Thailand”,¹ Duncan McCargo, a leading academic on Thai politics, proposed that between 1973 and 2001 Thai politics is best understood in terms of a political network in which the leading network was “centred on the palace and is here termed

‘network monarchy’. Network monarchy involved active interventions in the political process by the Thai King and his proxies,” including the privy councillors and the military. McCargo illustrated this with the Black May crisis in 1992, in which the king told the leader of the protest against the military prime minister and the prime minister to meet with him after over 40 protesters were killed, instructing them to settle down. And in 2006, the 84-year-old king granted an audience to the coup makers just after they had overthrown popular premier Thaksin Shinawatra. Both events were televised on public channels and both generals escaped with impunity. However, with the *lèse majesté* law or Article 112 of the Criminal Code, under which the maximum sentence is 15 years in jail, criticism of the roles of the monarchy and the military is silenced and the law shields them from scrutiny and being held accountable. In effect, the Thai mainstream media practise self-censorship on stories related to the monarchy that do not fit the official narrative.

In 2006, the lawmakers appointed by the coup leaders enacted the 2007 Computer-Related Crimes Act (CCA), rushing it through the parliamentary process and without public participation. The law has severe jail terms of up to 20 years for people who post online content deemed *lèse majesté* (insulting to the monarchy) or a threat to national security. It also holds intermediaries at all levels liable over content published through them, and they face 20 years in jail for content deemed illegal.

The battle to hold the monarchy accountable under threat and suppression

As mentioned, the Thai mainstream media have neglected their duty to scrutinise the monarchy and the military, as well as the Crown Property Bureau.² Simultaneously, Thais are overwhelmed by a hunger for information and an eagerness to express their thoughts. The 2006 coup was the first coup that took place at a time when the internet was accessible by most of the Thai middle classes, with YouTube and online forums being particularly popular. With the power of the internet, Thailand will never be the same again.

1 www.polis.leeds.ac.uk/assets/files/Staff/mccargo-pacific-review-2005.pdf

2 The Crown Property Bureau (CPB) is a juristic person, established by law, responsible for managing the personal wealth of the King of Thailand. The CPB is exempt from taxes.

As the 2006 coup took place on 19 September, several video clips criticising the king and the coup were uploaded onto YouTube. This resulted in a five-month ban of the YouTube³ website in Thailand. There were also heated comments and discussions on online forums. Many of them were deemed *lèse majesté*.

The uncontrollable nature of the online space made the junta government draft and hastily pass the CCA. The war of censorship against online content criticising the king started during this period, and an unprecedented number of URLs were blocked by the government. Nonetheless, Thais were not discouraged from criticising the network monarchy.

One of the first influential online forums that attempted to hold the monarchy accountable was the Same Sky web forum (or Fah Diew Gan in Thai). This was created in 2006, shortly before the coup, as part of a website for the Fah Diew Gan (“under the same sky”) journal, a tri-monthly political academic journal which was very critical of the establishment.

Most progressives might consider the forum as the most liberal space allowing netizens to openly criticise the monarchy. However, royalists considered the forum unacceptable, and have called for the officials to block it. The royalist right-wing site Manager Online once referred to it as “the No. 1 site that insults the monarchy [among the anti-establishment sites].” This claim, ironically, made the forum more popular, as more right-wing, conservative royalists joined the forum. This resulted in a vibrant space of differing views debating the monarchy, but still dominated by anti-establishment voices.

Several academics and political activists were major contributors to the forum. One of them was Somsak Jeamteerasakul, a history lecturer at Bangkok’s leading Thammasat University. Somsak published several articles and think pieces on the forum, critical of the *lèse majesté* law as well as the monarchy. Many of them have become “classic” pieces as they are, still today, repeatedly referred to when there are debates on these issues. There was also a collective attempt to examine the Crown Property Bureau on the forum.

Because of the tireless contribution of Somsak to the forum, he became the centre of a network of active citizens who were critical of the monarchy, and later became well known to the public and media as a frank and brave critic on this issue.

Throughout the existence of the internet forum, it was subjected to both “official” and “unofficial”

blocking at regular intervals until the Same Sky Publishing House, owner of the forum, decided to move to a foreign hosting service, which cost them a lot more than local hosting. Because of the financial burden and legal burden, the publishing house then decided to shut down the forum in October 2008. Some of the communities created a new forum under the name “We Are All Human”, which still exists today, but is less popular than the original Same Sky forum.

Another website which became popular during the coup was the Prachatai online newspaper and web forum. While the Thai mainstream media kept silent, partly because of a fear of *lèse majesté*, Prachatai was one of very few media outlets that published news about the anti-coup movement and articles against the coup. Meanwhile, the Prachatai web forum was heated with comments criticising the network monarchy. Some of the comments posted at that time have almost landed Prachatai manager Chiranuch Premchaiporn in jail as an intermediary allowing illegal comments on her website. Even though Chiranuch has not had to live her life behind bars, the trauma experienced because of the court battle made her decide to shut down the web forum in 2010, arguing that it was too risky to host a forum for the free expression of political perspectives.

The Court of the First Instance sentenced Chiranuch in May 2012 to eight months in jail, but suspended the sentence for one year. The case is now before the Appeal Court. Chiranuch is still facing another case from a different comment also posted on her website.

In 2011, police charged regular Prachatai columnist Surapot Taweesak, who wrote under the pen name “The Philosopher on the Fringe”, with *lèse majesté* after comments published on Prachatai. His comments merely proposed the revision of the roles of the monarchy and suggested how to make the monarchy transparent and accountable. For example, he proposed that the king declare his assets to the parliament, that the budget given to projects under royal patronage be reviewed by the parliament, and that the *lèse majesté* law be abolished to allow the public to examine and criticise the monarchy.

A year later, another Prachatai columnist and respected journalist, Pravit Rojanaphruk, was summoned by the police to testify in a *lèse majesté* complaint against him for seven articles published on Prachatai. The articles that landed Pravit in trouble merely criticised the *lèse majesté* law and the discourse of “fatherly love”, analysing the power of comparing the king to the father of the people.

3 facthai.wordpress.com/2007/09/01/thailand-lifts-youtube-ban

As the aforementioned Same Sky forum was shut down in 2008, some active Same Sky members still cling to its replacement. Many, including the vocal academic Somsak, have moved to social networks such as Facebook.

Somsak created his Facebook account⁴ in 2010. As of October 2012, he had more than 23,000 subscribers and more than 5,300 friends. His Facebook timeline is very vibrant; it is filled with news, articles, photos and video clips, shared by people who share his ideology. Somsak produces up to three short articles, composed of three to ten paragraphs, posted on his Facebook account each day. Some of the articles have attracted more than 1,000 “likes” and comments. His Facebook account receives approximately 2,500 hits each day. He is arguably one of the most influential academics on Thai Facebook and the opinion leader of liberal Thais.

Somsak has long been subjected to online bullying by the royalists, as well as offline threats. He always presents arguments in a very careful way, so that they are not considered *lèse majesté*. However, in late 2011, Somsak was charged with *lèse majesté* nonetheless.⁵ The complaint, filed by army personnel, attacked his articles⁶ criticising a TV interview given by Princess Chulabhorn, who technically is not protected by Article 112. In the interview, the princess expressed her opinion on recent political conflict. She expressed sorrow over the shopping mall burnt during the 2010 crackdown on the anti-establishment “Red Shirt” supporters. “I would like to reiterate that the interview given by the princess, under this legal circumstance, is not fair at all. Would any media dare to publish conflicting opinions to her?” wrote Somsak in an article entitled “Question to the princess: How can the death of 91 people and 2,000 injuries not cause more sorrow than the burning of the city? Why do you not criticise the [Yellow Shirt royalist] People’s Alliance for Democracy?”⁷ The charges against him reiterated his concern.

When it comes to the analysis of Thailand’s monarchy, because of the *lèse majesté* law, un-sourced or anonymous comments usually are the best that critics can do. However, the WikiLeaks cables from the US Embassy in Bangkok, released in

early 2011, intrigued many Thais as they contained several eye-opening remarks about the monarchy from high-profile people in Thai politics – such as the privy councillors and former prime minister. The cable also helped complete the jigsaw of Thai political conflict that had been inexplicable before. It shows how Thai politics is manipulated behind the scenes.

The anti-establishment camp used the cables to the full benefit of their movement – but many efforts to expose the monarchy were still subject to censorship. The complete cables including translations were published on many underground websites, run under false identities, and usually by Thais based overseas. However, as before, many websites run by Thais who lived in Thailand still resorted to self-censorship. They censored the content that might be deemed *lèse majesté*, especially names of royal family members. This, sometimes, made the story almost incomprehensible. In other cases, they used code names when referring to royal family members; but this is considered risky, as there was a *lèse majesté* case where a person was charged because of an account of Thai politics based on fictional figures. Many of these websites were subjected to constant official and unofficial government suppression. A Thai Red Shirt was charged with *lèse majesté* for selling copies of the WikiLeaks cables at a Red Shirt rally.

In October 2011, a lengthy report based on the cables called “Thailand’s Moment of Truth: A Secret History of 21st Century Siam”, written by ex-senior Reuters journalist Andrew MacGregor Marshall, was released. Marshall offered a thorough analysis of thousands of leaked diplomatic communications in an article which included a background of Thai history. His article also analysed the royal family members. In order to publish the story, Marshall had to leave Reuters and Thailand to avoid the draconian *lèse majesté* law. He published his story on the *zenjournalist.com* website, which, unsurprisingly, has been blocked by the Thai government.

Because of the vague Thai computer crime law, which allows a broad interpretation of what is considered the crime of transmitting illegal data via the internet network, simply sharing a link to Marshall’s website could be considered a crime. Marshall created “Thai Story” or #thaistory, as used on Twitter, as a code name for his story. The vague code name allows Thais to publicly discuss his story with less fear of suppression by the government and ultra-royalist internet users.

The online battle to hold the monarchy accountable after the coup has resulted in about 120,000

4 www.facebook.com/somsakjeam

5 www.nationmultimedia.com/home/Shock-cver-lese-majeste-charge-against-Thammasat-h-30153798.html and bit.ly/Rhn6IA

6 prachatai.com/journal/2011/04/33901

7 From May to December 2008, the royalist People’s Alliance for Democracy (PAD), popularly known as the “Yellow Shirts”, held demonstrations against the Thaksin-backed government. The protests included months of occupation of the Government House and a week-long seizure of the country’s main international airport.

URLs being blocked,⁸ as claimed by the government, due to content insulting the monarchy, and about 40 people have been charged with disseminating online content insulting the king.

Conclusion

In the absence of the mainstream media's role in holding the monarchy accountable, the internet helps to facilitate discussion and scrutiny of the monarchy by the general public. Under legal constraint, Thais need to exercise extreme caution when expressing opinions on the issue of the monarchy.

Access to information inconsistent with official narratives about the monarchy is suppressed by the authorities. However, many Thai netizens still manage to circumvent the Thai authorities' firewall, mainly because of the poor technology and inconsistent efforts of the authorities.

Action steps

- The Thai government should abolish Article 112 (the *lèse majesté* law) and amend the CCA to allow criticism of the monarchy.
- Civil society should learn to protect themselves from surveillance by using anonymisers such as The Onion Router (TOR), especially when posting messages.

- Civil society should learn to circumvent government censorship by using circumventing tools such as virtual private networks (VPNs) and TOR, or simply using Google translator and Google cache.
- The use of any law to suppress or censor criticism of the monarchy should be transparent and open for public scrutiny.
- Mainstream media should not leave it up to civil society to push the limits of what can be said about the "invisible hands" and the network monarchy, but should come out of the closet of their fear and end the practice of self-censorship on issues relating to the monarchy.
- Thai internet users should try to use real names to lend credibility and transparency to their criticism. This will also help push the limits of what can be said in public. ■

⁸ According to iLaw's 2010 Situational Report on Control and Censorship of Online Media, through the use of laws and the imposition of Thai state policies, 57,330 URLs were blocked due to their *lèse majesté*-related content. In 2011, the ICT minister reported that around 60,000 URLs were blocked due to the same reason. thainetizen.org/docs/thailand-online-media-control-en and thainetizen.org/docs/netizen-report-2011

UGANDA

USING ICTS TO DEMAND BETTER SERVICE DELIVERY



WOUGNET

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Introduction

A society in which people are ignorant about government functions and systems typically breeds an environment in which corruption and poor service delivery can thrive. Information and communications technologies (ICTs) can be strategically used to improve access to public services, increase the efficiency, transparency and accountability of government and political processes, as well as empower citizens by enabling them to participate in government decision-making processes.¹ At local levels, pro-poor ICT-based governance and public service delivery strategies and applications can be applied to enhance development and poverty reduction within the larger context of achieving the Millennium Development Goals (MDGs).²

The emergence of new technology, especially the internet and social media, has made information available to multiple users instantly. The internet is reducing corruption through providing an avenue for people to report when they pay a bribe, thereby exposing corrupt departments, loopholes used by officials to demand bribes, and situations under which bribes are demanded, as well as to report on other issues of bad governance in their communities.

This report is based on WOUGNET's experience in the project "ICTs for improved service delivery", which is being conducted under the ICT for Democracy in East Africa (ICT4DemEA) initiative with support from the Swedish Program for ICT in Developing Regions (Spider).

Policy and political background

The decentralised system of governance in Uganda meant that resources, both financial and human, were transferred from the centre to lower administrations so as to bring service delivery closer to the population. Uganda's decentralisation policy was

enshrined in the country's Constitution in 1995, and was legalised by the Local Government Act of 1997.³

The Auditor General's report of 2009⁴ shows that most districts failed to explicitly account for the resources that were dispersed to them in the previous three financial years. There were widespread irregularities that indicated overwhelming embezzlement and corruption in district administration. Although this was reported in the mainstream media,⁵ there was no demand for accountability from the people.

Print and electronic media coverage in Uganda is still minimal and has hardly penetrated the rural areas, where close to 80% of the people live.⁶ However, community radios are enabling citizens to hold their leaders accountable through reporting poor service delivery and bad governance issues. Political will has increased transparency, but when leaders do not have the capacity and the will to launch administrative reforms to end corruption, naming and shaming offers a workable alternative.

Voluntary Social Accountability Committees (VSACs)

A lack of civic awareness makes public monitoring of service delivery unattainable in most districts, and consequently widespread corruption and poor service delivery remain a challenge even at the local government level.⁷ Information about service delivery and accountability is under the control of the district political and civil service leaders, which breeds an environment in which rural populations treat the provision of services as a gift or favour from their leaders/governments.⁸ This makes them settle for anything, including shoddy work; they never sanction public servants who have embezzled public funds but rather glorify corrupt people

1 Bestle, L. (2007) Pro-Poor Public Service Delivery with ICTs: Making local e-governance work towards achieving the Millennium Development Goals, UNDP. www.apdip.net/apdipenote/11.pdf
2 Proposal submitted to Spider for the period 2011-2012, p. 3.

3 World Bank (2003) Decentralisation Policies and Practices: Case Study Uganda.
4 Office of the Auditor General (2009) District Financial Performance Report 2009.
5 Electronic media stations and print media houses such as New Vision and Monitor Publications.
6 Synovate (2009) Survey on Penetration and Listenership of Different Media Houses in Uganda.
7 Uganda Anti-Corruption Network (2010) District Evaluation Report.
8 Citizens' Coalition for Electoral Democracy in Uganda (CCEUD) (2009) Strategy Document.

in their villages. They never know, for example, how much money has been passed to their local leaders for a road or school or health facility.

WOUGNET – the Women of Uganda Network – is using ICTs to increase the capacity of grassroots populations to demand better services from their leadership. The project targets women, through its women's groups. It has instituted a type of committee called a Voluntary Social Accountability Committee (VSAC) to assist in implementing the project. VSACs are found at the parish level and comprise 15 members (11 women and four men) who meet monthly to share bad governance and poor service delivery issues in communities, then report to WOUGNET staff.

WOUGNET has three information centres fully connected to the internet in Apac, Amuru and Kampala. The project beneficiaries in Apac and Amuru districts have free access to these centres to improve their ICT skills. WOUGNET has set up an open source platform, Ushahidi, where bad governance, poor service delivery and good governance issues identified by VSACs are uploaded to create public awareness about the plight of the local people.

VSACs are undergoing training on how to use different ICTs such as computers, the internet, digital cameras and mobile phones, and participate in radio talk shows on promoting good governance. WOUGNET is also using social media to report bad governance (e.g. Facebook and Twitter).

The challenges encountered include:

- Absence of basic ICT infrastructure
- High illiteracy levels
- Language barriers (i.e. the dominance of the English language)
- Slow adaptation of ICT use and application by the VSACs
- Lack of demonstrated benefit of ICTs to address ground-level development challenges.

Despite the challenges, the internet is an effective tool that can be used to fight corruption and promote good governance. Through VSACs, the population is being made aware of the services in their communities that they should take advantage of in order to improve their livelihoods and for poverty reduction.

Internet exposes corruption in health centre

Bad governance and poor service delivery issues identified during a meeting by the VSAC from Kidilani parish, Chegere sub-county, included limited access to medical services at Kidilani Health

Centre II. Antenatal and maternity services had ceased to be provided since August 2011, leading to the deaths of newborn babies or complications during childbirth. In one case a mother who went into labour either had to travel up to Apac Referral or Atapara hospital in Oyam district or had to have a home birth.

The VSAC also reported hidden costs incurred by expectant mothers who needed to be attended to while giving birth. The community had complained about the hidden costs incurred after deliveries, and the midwives were ordered to stop making the charges or to face punishment. They were told to write down the details of deliveries made and to send them to the referral hospital in order to receive payment on a monthly basis. However, on many occasions when this money was transferred to the district referral hospital, it never got to the health centre. Due to a lack of motivation, these midwives abandoned the job and some have turned to dealing with other issues such as malaria.

The health centre lacks decent staff housing and this prompted the community to construct grass-thatched houses. Some staff opted to commute from their homes which are quite far from the health centre. For example, a nurse who commutes from her home in Atinglaki village, which is around eight kilometres from the health centre, often reports for duty at midday and leaves by 3:00 p.m. In the end, not all the patients are attended to.

The VSAC also reported that the health centre cleaner, someone in charge of cleaning the health unit premises, had last worked four months earlier and was still on sick leave. However, he had no documentation showing that he was on leave because of delays at the Apac district referral hospital. Since no one was assigned to step into his place, the health centre grounds had become overgrown, making it risky for patients and visitors.

WOUGNET uploaded this information onto the Ushahidi platform to increase awareness on what was happening in Kidilani parish. The VSAC members then followed up with their leaders at the sub-county level on matters regarding the state of service delivery at the health centre. Their leaders took action by meeting with the District Health Officer, and the response was prompt. An "in-charge" (a midwife who oversees the operations of a health centre) and three other nurses were posted to Kidilani Health Centre II, and the cleaner recovered and is now maintaining the health centre premises. The nurses and the in-charge are the ones administering medication to the patients, unlike previously when the cleaner was assigned to do that. The community expressed appreciation for the benefits they

are deriving from the health unit and we as WOUG-NET attribute these changes to the VSAC.⁹

Conclusions

Corruption creates many public sector dysfunctions and it is ordinary citizens who bear the brunt of corruption, have direct experience of it, and suffer from it. For people, corruption is not abstract. It can be encountered in daily life and impacts on their health, education, security, jobs and even survival: from a widow who cannot get her food ration card because she cannot afford the bribe demanded by the civil servant, to voters whose elected officials siphon off or misuse funds intended to alleviate poverty, to parents whose children die in collapsed schools during a strong earthquake while nearby buildings remain standing. Corruption deprives the community of accessing services and goods that are meant for them.

Corruption undermines good governance and the rule of law. Good governance requires fair legal frameworks that are enforced impartially. It also requires full protection of human rights, particularly those of minorities.¹⁰ The impartial enforcement of laws requires an independent judiciary and an impartial and incorruptible police force. However, with corruption, officials who are arrested always bribe their way out. For instance, it is often the small fish that are caught while the big fish who embezzle much more always get off scot-free.

There are several institutions that fight corruption in this country, though they are particularly weak and prone to being overrun by informal politics. Until recently, few studies had explored effective methods of combating corruption by increasing access to information, specifically information about government policies and practices. This points to an urgent need to put internet-based systems in place to check corruption, enhance transparency and promote access to information.¹¹

Although the use of the internet is still in its infancy, both the creation of information and policy making can be made interactive using the internet. Policy research may benefit from feedback from users. This is because the internet provides a mechanism for users to become active partners in the dissemination of information in the policy-making process.

The internet can be used effectively to share government budgets and work plans with the citizens. This will enable them to effectively monitor government expenditure. Corrupt officials can also be exposed through the internet. We believe that naming and shaming will help to promote transparency and accountability.

One of the most stunning findings in recent corruption research is the discovery of the negative relationship between women in government and corruption. It is claimed that higher rates of female participation in government are associated with lower levels of corruption.¹² Why does the participation of women in government reduce government corruption? Substantial literature in the social sciences suggests that women may have higher standards of ethical behaviour and be more concerned with the common good – criminologists have developed many theories that are potentially relevant. Women may be brought up to be more honest or more risk averse than men, or even feel there is a greater probability of being caught. Therefore increasing women's participation in public governance may reduce corruption.¹³

Action steps

- Advocate for improved access to ICT facilities to encourage rural people to exploit the advantages of ICTs.
- Advocate for the use of social media, especially under restrictive regimes when meeting physically is difficult. Using social media to report and act on corruption disrupts its systems, increases citizen participation, strengthens campaign organisation and capacity, wins people over and weakens sources of support and control for unaccountable and corrupt power holders.
- Lead internet-based anti-corruption campaigns, as the internet enables citizens to track how public funds are used, and makes issues international. An example of a civic campaign with international dimensions is the "Ask Your Government"¹⁴ campaign, which gathers governmental budget information from 84 countries and gives citizens access to this information.

9 More information concerning the project and issues related to bad governance and corruption can be found at www.wougnet.org/ushahidi/reports, www.wougnet.org and www.kicinfo.org

10 Okullo, G. (2011) Paper presented on good governance, at awareness raising workshops in Apac and Kole, December.

11 Wu, W. C. (2011) Internet Technology and its Impact on Corruption, thesis presented to the Department of Political Science, University of California, San Diego, 28 March, p. 6.

12 Sung, H. E. (2003) Fairer Sex or Fairer System? Gender and Corruption, *Social Forces*, 82 (2), p. 703-723. www.jstor.org/stable/3598207

13 Ibid.

14 www.newtactics.org/en/blog/new-tactics/empowering-citizens-fight-corruption#comment-5112

- Disseminate information on corruption and bring this to the attention of the authorities who can take action/put social pressure on institutions responsible for handling it. For example, social media, websites and a web-based platform such as Ushahidi can be used for this.
- Use the internet to expose corrupt individuals so as to deny them opportunities to work elsewhere and again mismanage resources.
- Call upon donors to stop funding sectors where there is mismanagement of resources.
- Team up: fighting corruption collectively with all stakeholders increases the effect of individual action, since there is strength in numbers that leads to change. ■

UNITED KINGDOM

PUSHING FOR CORPORATE ACCOUNTABILITY IN THE UK



Open Rights Group

Javier Ruiz

www.openrightsgroup.org

Introduction

OpenCorporates is the largest open database of company information in the world, covering over 40 million legal entities in 50 jurisdictions. Company information is required by many campaigners and policy makers working on issues such as lobbying, tax evasion, corruption and resource management, or simply trying to deal with the global financial crisis. Anyone working in these areas needs to cut through the maze of foreign subsidiaries and cross-ownership that make up the modern networked corporation, and OpenCorporates is a key tool.

The project was started by open data activists, as a side project to one that improved local government transparency in the UK, and is now used by a wide variety of groups, from journalists to financial institutions, governments to civil society. OpenCorporates has been described by European Commission Vice-President Neelie Kroes as “the kind of resource the (Digital) Single Market needs.”

Open government partnership and transparency

The UK is a world leader in open government data, and it is currently co-chair of the Open Government Partnership (OGP).¹ The UK government has presented to the OGP a national plan of action² that mostly centres around open data.

The UK is also introducing a “right to data” requirement in the Freedom of Information Act.³ This means that datasets must be offered in an electronic form which is capable of reuse,⁴ instead of scanned images that require manual typing into a computer for further processing. Every government department has now published an open data strategy, with mixed levels of commitment.⁵ Open data will also underpin the planned wholesale

transformation towards Open Public Services,⁶ a new mixed private-public model.

This focus on data in UK policy has been criticised by civil society organisations⁷ for failing to deliver fundamental transparency, and a “comprehensive model of open governance” that changes the way government works on a daily basis.

One specific shortcoming is the lack of commitment to improve corporate accountability. A report⁸ by Global Integrity looking at all OGP countries found that “private sector issues are conspicuously underrepresented in country action plans.”

Corruption and the UK

A report⁹ from Transparency International found that the UK does not have a serious corruption problem, but there is no room for complacency. Police and prison staff are among several areas of concern. A civil society review¹⁰ of UK compliance with the United Nations Convention against Corruption (UNCAC) concluded that the legal framework is sound, but there are issues. Among these, several relate to corporations:

- Revolving doors where ex-public employees move to work in closely related companies.
- Concerns over extensive lobbying by commercial organisations.
- Lack of information on beneficial ownership¹¹ of companies.

The report recommends that the UNCAC be extended to all UK crown dependencies and overseas territories. This is a crucial aspect as many of these are considered “tax havens” – which we will here call *secrecy jurisdictions*.¹² A report¹³ by the World Bank looked at 150 cases of “grand corruption” involving some USD 56.4 billion. These involved 24 UK incorporated companies – the UK was in 6th

1 www.opengovpartnership.org

2 www.opengovpartnership.org/countries/united-kingdom

3 digitalengagement.cabinetoffice.gov.uk/blog/2011/02/15/right-to-data-and-the-protection-of-freedoms-bill

4 www.legislation.gov.uk/ukpga/2012/9/section/102/enacted

5 www.datapolicy.org.uk/policy-references

6 www.openpublicservices.cabinetoffice.gov.uk

7 www.opengovernment.org.uk

8 www.globalintegrity.org/blog/whats-in-OGP-action-plans

9 blog.transparency.org/2012/02/24/does-the-uk-have-a-corruption-problem-join-the-debate

10 www.bond.org.uk/pages/uncac-parallel-report.html

11 en.wikipedia.org/wiki/Beneficial_ownership

12 secrecyjurisdictions.com

13 www1.worldbank.org/finance/star_site/documents/Puppet%20Masters%20Report.pdf

place in overall ranking – but 110 from the British Virgin Islands, Jersey and Isle of Man.¹⁴

OpenCorporates

OpenCorporates is a company with a social mission founded in November 2010 by Chris Taggart¹⁵ and Rob Mckinnon,¹⁶ who is no longer involved although he remains a minority shareholder. OpenCorporates is part of a very strong UK civic hacker movement, with organisations such as MySociety¹⁷ and the Open Knowledge Foundation,¹⁸ which are very active and increasingly influential. There are also numerous projects involving small and medium-sized enterprises (SMEs) and open data¹⁹ in the UK.

Chris and Rob were trying to track public contracts and subsidies in local government.²⁰ They struggled to match transactions to specific companies because a name in a public document often did not match the name of any legal entity. Because of this they set out to build a system to uniquely identify each company: “The idea was to have an openly licensed database for every legal entity in the world (when we launched we had 3.5 million, from the UK, Bermuda and Jersey).”

They started using the public data feed²¹ of the UK business register, Companies House. In other places they had to “scrape”²² websites, which means copying and structuring the key information to rebuild the original database behind the website. Increasingly, however, they are collaborating with governments that see the value of opening this kind of information, including New Zealand and Norway.

OpenCorporates works to an ever greater extent internationally, including with the international Financial Stability Board and the World Bank. Many government departments now realise that they do not have the resources for such gigantic data endeavours and increasingly turn to the community for help. Local groups in places like Georgia help OpenCorporates open the data in their jurisdiction. This international dimension – OpenCorporates now covers 50 jurisdictions – is very important for the project. The corporate world is increasingly global and powerful, at times beyond the scope and reach of any individual democratic jurisdiction. If the people – meaning civil society, innovative SMEs,

individuals, and even governments – cannot understand this world, they have no chance of influencing it, and not only will this be bad for democracy, it will undermine innovation, and provide a fertile ground for criminal enterprises, which increasingly use corporate legal entities in their illegal activities.

The data

The OpenCorporates database is licensed under the Open Database License (ODbL).²³ This requires users to name OpenCorporates as the source, and it also means that any derivatives have to also be openly available under similar conditions. The database only covers the structuring of the information and unique identifiers, but any related information remains the copyright of the provider. This in most cases will be a governmental agency such as the national business register. In the UK this is Companies House.

Companies House currently provides a free bulk download of basic company information – registration number and address – but sells other expensive bulk data products. For example, keeping up to date with company appointments costs £28,000 per year, and the annual accounts £17,000.²⁴ In addition, it is now starting to collect information about company financials as data, avoiding the difficulties and costs of extracting it from scanned images. But these new datasets will not be published until 2015, and then probably not for free and under an open licence.

There is still a lot of basic data missing, and not just from secrecy jurisdictions. OpenCorporates has published a study²⁵ showing the shortcomings on access to company data in countries that are members of the OGP, with an average score of a paltry 21 out of 100.

OpenCorporates is part of an effort to reduce systemic risks in financial markets created when dealing with the same organisations under different guises. The international Financial Stability Board²⁶ and the G20 are working towards “a global Legal Entity Identifier (LEI) system that will uniquely identify parties to financial transactions.” OpenCorporates sits on the advisory panel.

OpenCorporates is also moving in the direction of other open databases, such as OpenStreetMap,²⁷ that are increasingly comprehensive and widely used as backends to other projects. For example,

14 Ibid., p. 121.

15 twitter.com/countculture

16 twitter.com/delineator

17 www.mysociety.org

18 www.okfn.org

19 data.gov.uk/blog/open-data-case-studies

20 openlylocal.com

21 xmlgw.companieshouse.gov.uk/iface.shtml

22 scrapewiki.com

23 opendatacommons.org/licenses/odbl

24 www.companieshouse.gov.uk/toolsToHelp/ourPrices.shtml

25 blog.opencorporates.com/2012/04/16/how-open-is-company-data-in-open-government-partnership-countries

26 www.financialstabilityboard.org/publications/r_120608.pdf

27 www.openstreetmap.org

OpenSpending²⁸ is a project for budgetary control that provides tools to track public transactions and relies on OpenCorporates.

Beneficial ownership

The capacity to identify specific companies and their relationships is critical not just for journalists, campaigners and NGOs. Tax offices and people working in international financial governance also struggle with these issues. Tax Research found²⁹ that in its corporate reporting, BP suggested that it had more than 3,000 subsidiary companies around the world. UK companies are required to publish all relevant information about their subsidiaries but only 33 of the FTSE 100 do it. Tax Research also found that 97% of EU companies in their sample had subsidiaries in secrecy jurisdictions. Only 10% of these so-called “tax havens” have public accounting information.

The ultimate aim for many, however, is to know who the real people pulling the strings behind the companies are. This is called *beneficial ownership*, and it is different from legal ownership. Many companies are part of a web of entities that legally belong to frontmen who have no real control and who are paid to shield the real owners.

This is such a serious obstacle to corporate accountability that organisations representing over 1,000 civil society groups have recently called on the EU to force companies to reveal their true ownership.³⁰

Accountability in mixed delivery of public services

The UK government plans to open public service delivery to “any qualified provider” –whether public, commercial or non-profit – risk reducing public accountability. The Public Accounts Committee of the UK Parliament has recently raised concerns: “If transparency is to be meaningful and comprehensive, private organisations providing public services under contract must make available all relevant public information.”³¹

The most basic information would be their corporate structure. Corporate Watch UK has found that five of the major private health care companies taking on public roles with the National Health Service make widespread use of tax havens.³²

Money laundering

The report *Grave Secrecy*³³ reveals evidence that numerous UK companies have been involved in a major money laundering scandal involving a Kyrgyzstan bank. Civil groups demand urgent action to address the current ease with which the UK and other major economies are used to launder the proceeds of corruption, tax evasion and other crimes.

The tax gap

The crisis has opened the debate in the UK about the ethics of finding legal ways to pay lower taxes, with a famous comedian and members of the pop band Take That being publicly criticised.³⁴

Official figures put the tax gap, which includes legal tax avoidance and illegal tax evasion, at £35 billion in 2010. Tax Research, however, calculates that the tax gap in the UK could be £120 billion.³⁵ This is almost the total amount of the national deficit.

Corporate reporting

In order to close tax gaps and increase corporate accountability, Tax Research proposes that companies should present their accounts in a format called *country-by-country reporting*.³⁶ All it demands is that multinational corporations publish a profit and loss account and limited balance sheet and cash flow information for almost every jurisdiction in which they trade as part of their annual financial statements.

This principle has been advocated in particular in the extractive industries sector, after pressure from the global NGO coalition Publish What You Pay.³⁷ But it would equally apply to any international business.

Campaigning groups are increasingly looking at the structure and financial arrangements of companies. Kumi Naidoo, the head of Greenpeace, recently highlighted the need for corporate transparency. The environmental group will now be focusing on the financial enablers behind brand names,³⁸ including pension funds.

28 openspending.org

29 www.taxresearch.org.uk/Blog/2007/02/05/closing-the-floodgates-new-tax-justice-network-report

30 www.globalwitness.org/library/organisations-representing-over-1000-civil-society-groups-call-eu-force-companies-reveal

31 www.publications.parliament.uk/pa/cm201213/cmselect/cmpubacc/102/10204.htm

32 www.corporatewatch.org/?lid=4251

33 www.globalwitness.org/library/grave-secrecy

34 www.independent.co.uk/news/uk/home-news/take-that-on-taxmans-hit-list-after-jimmy-carr-tweets-im-so-sorry-7873606.html

35 www.taxresearch.org.uk/Blog/category/tax-gap/

36 www.financialtaskforce.org/issues/country-by-country-reporting

37 www.publishwhatyoupay.org

38 www.guardian.co.uk/sustainable-business/rio-20-greenpeace-war-finance-sector?newsfeed=true

Conclusions

As we have seen, corporate accountability is critical for society. Business registers and regulators carry out statutory collection of data, but for this data to be socially useful it needs to be open. Charging means that only businesses with deep pockets can scrutinise what other businesses are doing. Besides increasing access to existing information, there is also a need for new statutory obligations on companies, in particular around beneficial ownership and country-by-country reporting.

At present, transparency, access to information and open data are still perceived as belonging to the specialists in these fields. One of the aims of this report is to show that openness is important for many groups that may not see it as a core activity or concern.

The OGP presents an opportunity for these issues to be advanced and mainstreamed to a wider constituency. The OGP will have its next international meeting in London in 2013 and OpenCorporates is heavily involved in the UK civil society coalition that is engaging with government.

Civil society and campaigning organisations are increasing their proficiency in data handling to be able to understand and influence this information-saturated environment. Projects such as OpenCorporates and OpenStreetMap provide the underlying data needed to map and structure new research or insights. These groups are part of an ever more important web of open data. However, organisations wishing to make use of contemporary digital technologies to the full will need to acquire capacity to deal with increasing amounts of data. This could mean hiring or training new staff and obtaining specialist software, but it could also mean working in partnership with groups such as the Open Knowledge Foundation that can provide such expertise.

Action steps

Civil society organisations could do the following:

- If their country is not in the OGP, contact the international civil society steering group for further information.³⁹
- If your country is a member of the OGP, campaign for corporate accountability to be included in your country's plan of action. The following are the main asks:
 - ▶ Open data access to the national business register
 - ▶ Beneficial ownership information to be published
 - ▶ Country-by-country reporting by corporations.
- Contact OpenCorporates to see if they need help with access to your national business database. You could offer translation or local legal expertise.
- Build capacity for data handling. Good starting points are the Open Data Handbook⁴⁰ and the Data Journalism Handbook,⁴¹ which can be useful to many types of users, not just journalists. There is also a very interesting new project in development called the School of Data.⁴²
- If you have a specific technological need when it comes to data handling, you can source some funds and get some socially conscious programmers to help. You should not see this as pure free labour, as developers need to eat and pay their bills. The organisation Rewired State⁴³ has developed a very successful model of multi-stakeholder collaboration that will be very useful for those groups working with government. ■

³⁹ www.opengovpartnership.org/civil-society

⁴⁰ opendatahandbook.org

⁴¹ datajournalismhandbook.org

⁴² schoolofdata.org

⁴³ rewiredstate.org

UNITED STATES

TRANSPARENCY IN OBAMA'S FIRST TERM: FROM PROMISE TO FAILURE



Electronic Frontier Foundation

Trevor Timm
[www. EFF.org](http://www EFF.org)

Government transparency activists were heartened in January 2009 when President Barack Obama, on his first day in office, promised to overhaul the bloated and broken secrecy system that had engulfed the United States' sprawling national security apparatus and virtually all aspects of foreign policy for more than a decade – what the Washington Post has called¹ “Top Secret America”.

The process by which Obama's White House would become “the most transparent administration in history”, as he put it, would be multipronged: he wrote a memo promising to streamline² the Freedom of Information Act (FOIA) system, where FOIA requests would be answered expediently and the government would “adopt a presumption in favor” of requests. Attorney General Eric Holder followed this pronouncement up with a longer memo to all government agencies³ in March of 2009, which mandated all agencies to comply with the overhaul post-haste and implement Obama's stated reforms.

President Obama then wrote guidelines on the classification⁴ system, saying he would push for a host of reforms to reduce government secrets, perhaps even restoring the policy of “presumption against classification”. In addition, as a presidential candidate Obama had previously promised⁵ to stop using the “state secrets” privilege to shield the government from accountability in court and protect government whistleblowers⁶ if they revealed acts of wrongdoing to the press.

Unfortunately, in the months and years that followed, the Obama administration has taken the complete opposite route, not only refusing to implement the reforms promised by the president during his first days in office, but increasing government secrecy through the courts.

Freedom of Information Act

Almost immediately, it emerged that Obama's policies would not live up to his promises. When a federal court ruled the government must release photos of torture at Abu Ghraib, the administration pushed Congress⁷ to pass a law adding another exception to FOIA to keep the photos secret. In another case testing the administration's commitment to transparency, Obama's Justice Department continued a George W. Bush policy of arguing in court that White House visitor logs were not subject to FOIA, after previously saying they were.

A year into Obama's term, the Associated Press found that the administration was receiving less FOIA requests than Bush did in his final year, yet using *more* FOIA exemptions. Around the same time the National Security Archive found⁸ “less than one-third of the 90 federal agencies that process such FOIA requests have made significant changes in their procedures.”

Two years in, improvements were scant. In 2011, Citizens for Responsibility and Ethics in Washington (CREW) found the administration⁹ was still withholding information, using nine of the most common exemptions, at a 33% higher rate than Bush's last full year in office – and the backlog of FOIA requests¹⁰ continued to grow. Only 49 of the 90¹¹ federal agencies had followed *any* “specific tasks mandated by the White House to improve their FOIA performance.”

While some in charge were intent on providing paths to transparency, the bureaucratic system itself seemed too massive to fix. Beth Noveck, Obama's first deputy technology officer who was in charge of implementing the open government initiative, said journalists should just skip¹² the “burdensome and egregious” process altogether, and email the open government advocate at the desired agency for better results.

1 projects.washingtonpost.com/top-secret-america
2 www.whitehouse.gov/the_press_office/Freedom_of_Information_Act
3 www.justice.gov/opa/pr/2009/March/09-ag-253.html
4 www.whitehouse.gov/the-press-office/presidential-memorandum-classified-information-and-controlled-unclassified-informat
5 www.salon.com/2009/02/10/obama_88
6 abcnews.go.com/Blotter/story?id=8241580&page=1

7 www.politico.com/blogs/joshgerstein/1011/Obama_administration_appeals_ruling_on_White_House_visitor_logs.html
8 articles.latimes.com/2010/mar/21/nation/la-na-ticket21-2010mar21
9 www.federaltimes.com/article/20111215/AGENCY04/112150302
10 www.gwu.edu/%7EEnsarchiv/NSAEBB/NSAEBB349/index.htm
11 www.gwu.edu/%7EEnsarchiv/NSAEBB/NSAEBB338/index.htm
12 www.nextgov.com/technology-news/2010/11/bypass-foia-and-look-for-data-from-agencies-says-obama-official/47969

The reviews from transparency advocates, by 2012, had become scathing. “Obama is the sixth administration that’s been in office since I’ve been doing Freedom of Information Act work. (...) It’s kind of shocking to me to say this, but of the six, this administration is the worst on FOIA issues. The worst. There’s just no question about it,” Katherine Meyer, a Washington lawyer who had been filing FOIA cases since 1978, told Politico.¹³

While many agencies attempted to redesign their websites, and FOIA.gov was revamped to better track requests, there was barely an agency that had not received major complaints. The CIA, the State Department,¹⁴ and the Department of Homeland Security¹⁵ have frustrated reporters looking for even basic information. Even agencies dealing with health and scientific issues like the EPA and NASA¹⁶ have not complied as promised. In a classic case, the Transportation Security Administration (TSA), which was put in charge of airport security after 9/11, recently returned a FOIA request¹⁷ to *Pro Publica* four years after it was filed, along with an apology.

The worst transgressor has been the Justice Department (DOJ), which has been the defendant in 30% of FOIA lawsuits¹⁸ during Obama’s term, despite only receiving 10% of the requests. The National Security Archives, a non-profit civil society group, gave the Justice Department its “Rosemary Award”¹⁹ – named after Richard Nixon’s secretary who deleted the infamous eight and a half minutes missing from the Watergate tapes – for worst government performance. Among its transgressions: arguing before the Supreme Court against a presumption of openness and a narrowing of the “deliberative process” exemption to FOIA – the exemption Obama specifically mentioned in his initial memo as being out of control – and proposing that the Justice Department’s FOIA rules should change so that they could tell journalists they do not have documents, when they do. Thankfully, after a public uproar – the Los Angeles Times called²⁰ it “a license to lie” – it was not implemented.

Classification

The main reason the FOIA system has not functioned properly in recent years is the overwhelming secrecy practiced by the US government. Simply put, classification is rampant and out of control. The government classified a whopping 77 million documents²¹ in 2010, a 40% increase on the year before. For comparison, the government classified six million in 1991, when Senator Daniel Moynihan led a Congressional commission that found that overclassification was already an epidemic.

Some in government are trying to alleviate the problem. The National Archives has struggled mightily to reach its declassification goals by 2013 but is dealing with a backlog of over 400 million documents,²² some dating back to World War I. The National Archives, underfunded and understaffed, has virtually no chance it will reach its goal. Unfortunately, in the face of this secrecy problem, the government has just gotten more secretive. Instead of spending money to declassify, in 2011, the government increased its budget for secrecy²³ by USD 1.2 billion dollars. All told the government spends USD 11.36 billion dollars to keep things classified, more than doubling spending on keeping government secrets since 9/11.²⁴

We know the classification system has no rhyme or reason to it. Besides the embarrassing, corrupt or criminal information that is shielded, examples crop up that border on the farcical. For example, when a redacted and unredacted version of a book are put side to side, we see the government censoring mundane information that had been public for years.²⁵ Or when the government was shown to have classified an analogy²⁶ to the *Wizard of Oz* in a court decision about Guantanamo. Or when the National Security Agency (NSA) declassified a 200-year-old report²⁷ as proof of its “commitment to meeting the requirements” of President Obama’s transparency agenda. This is why when the American Civil Liberties Union (ACLU), a non-profit organization committed to increasing government transparency, compared redacted State Department cables to the WikiLeaks

13 www.politico.com/news/stories/0312/73606.html

14 www.iwatchnews.org/2011/07/06/5123/state-department-foia-requests-unanswered-four-long-years-later

15 www.politico.com/news/stories/0311/52033.html

16 www.cjr.org/feature/transparency_watch_a_closed_door.php?page=all&print=true

17 www.propublica.org/article/tsa-reveals-passenger-complaints-four-years-later

18 foiaproject.org/2012/05/24/new-data-confirm-doj-s-subpar-foia-performance

19 www.gwu.edu/~nsarchiv/news/20120214/index.htm

20 articles.latimes.com/2011/oct/31/opinion/la-ed-secrets-20111031

21 www.nytimes.com/2011/08/25/opinion/why-is-that-a-secret.html?_r=1

22 www.washingtonpost.com/national/national-security/national-archives-needs-to-declassify-a-backlog-of-nearly-400-million-pages/2011/11/29/gIQAMAYmPO_story.html

23 www.fas.org/blog/secrecy

24 www.nytimes.com/2012/07/03/us/politics/cost-to-protect-us-secrets-doubles-in-decade-to-11-billion.html

25 www.fas.org/blog/secrecy/2010/09/behind_the_censor.html

26 www.emptywheel.net/2012/04/30/janice-rogers-brown-sings-follow-the-yellow-brick-road-as-she-guts-habeas

27 www.fas.org/blog/secrecy/2011/06/nsa_200_years.html

versions,²⁸ they said it showed “the absurdity of the secrecy system.”

But no anecdote sums up the whole situation better than William Leonard, who was the former director of the Information Security Oversight Office²⁹ under President Bush. Known as the classification czar, Leonard once had control of the nation’s classification system and became so incensed with how it worked after he left office, he sued the NSA to have them declassify documents he said were classified in violation of national policy. He was recently rebuffed by a court, after fighting for over a year. They told him to go file³⁰ a Freedom of Information Act request – which he had done over a year prior.

Leakers and state secrets

The most visible stain on Obama’s transparency record has been its prosecution of whistleblowers or leakers to the press under the Espionage Act. And all told, there are six people who were charged or are currently facing charges under the Espionage Act, all of whom were allegedly talking to the press in the interest of the public good. That is double the number of leak prosecutions carried out by all other administrations *combined*.

When a government increases classification to the absurd, ignores or impedes legitimate Freedom of Information Act requests, and uses secrecy as a shield from liability in court, often the only way for information to get out is through leaks.

But Obama’s unprecedented prosecutions have had a chilling effect on transparency and the public’s right to know, especially in a time where everything is secret and the government fights tooth and nail in court to keep in that way. *The New York Times* reported that the latest round of FBI leak investigations was “casting a distinct chill over press coverage of national security issues” and that “some government officials (...) say Americans are learning less about their government’s actions.”³¹

Unfortunately, technology has turned into a tool for the government to crack down on leakers. The proliferation of online and electronic communication that makes it easier for journalists to connect with government officials has also made it easier for the government to criminalize those relationships.

As *The New York Times* explained³² in “A High Tech War on Leaks”, in the past, physical communications were harder to intercept. In addition, if the government wanted to go after a source, it often had to subpoena a reporter for his or her sources, which often results in costly legal fights, as in most federal courts reporters have a privilege allowing them not to testify.

Now emails leave an electronic paper trail, and online communications generally have weaker Fourth Amendment protections than physical letters or phone calls. The government claims it does not need a warrant for “metadata” – the people you talk to, when you talk to them, and how frequently – and they can paint a startling picture of one’s life. As an unnamed official remarked after saying³³ the government no longer needed to subpoena reporters to testify, “We don’t need to ask who you’re talking to. We know.”

The cases of Thomas Drake and John Kirakou are particularly disconcerting. Thomas Drake was an NSA official who blew the whistle³⁴ on the NSA’s warrantless wiretapping program. He only went to the press after bringing his complaints to superiors, the Inspector General, and Congress. He was described as “exactly the type of whistleblower Obama promised to protect,” yet was charged under the Espionage Act and faced years in prison. In the end, his case fell apart³⁵ after public outcry and he would serve no jail time.

A similar situation is now occurring in the case of former CIA analyst John Kirakou. In 2007, during an interview with ABC News, he became the first official³⁶ to describe waterboarding as “torture” and allegedly named two of the CIA officers involved. Now he finds himself facing years in prison under the Espionage Act.

Unfortunately, the perpetrators of Bush-era crimes, some of which Drake and Kirakou exposed, face no such worry. The Obama administration steadfastly refused to bring criminal charges for warrantless wiretapping and torture, and perhaps worse, has been using secrecy as a shield to prevent any civil accountability for both.

28 www.aclu.org/wikileaks-diplomatic-cables-foia-documents

29 www.archives.gov/isoo/about/index.html

30 www.fas.org/blog/secrecy/2012/07/nsa_leonard_foia.html

31 www.nytimes.com/2012/08/02/us/national-security-leaks-lead-to-fbi-hunt-and-news-chill.html?_r=1&nl=todaysheadlines&emc=edit_th_20120802&pagewanted=all

32 www.nytimes.com/2012/02/12/sunday-review/a-high-tech-war-on-leaks.html?pagewanted=all

33 www.nytimes.com/2012/02/12/sunday-review/a-high-tech-war-on-leaks.html?pagewanted=all

34 www.thenation.com/article/161376/government-case-against-whistleblower-thomas-drake-collapses

35 www.thenation.com/article/161376/government-case-against-whistleblower-thomas-drake-collapses

36 www.huffingtonpost.com/2012/07/03/squelching-secrets-why-is_n_1628547.html

In a myriad of lawsuits filed by the ACLU,³⁷ the Center for Constitutional Rights³⁸ and the Electronic Frontier Foundation³⁹ (for whom I work), the administration has invoked the “state secrets” privilege, a controversial legal maneuver with which the government claims that *even if all the allegations are true*, lawsuits still should be dismissed entirely because they could harm national security. Even worse, these lawsuits are based on hundreds of pages of already public evidence and the plaintiffs are not demanding the government turn over any classified information.

The Obama administration also continued the Bush practice of invoking the “state secrets” privilege in court over torture lawsuits as well. After Bush had two lawsuits by innocent people alleging to be tortured dismissed via “state secrets”, Obama invoked the privilege⁴⁰ in a third case known as *Mohamed v. Jeppesen*. Despite hundreds of documents in the public record – some of which were government investigations by allies – the administration successfully avoided having the case litigated by throwing up a wall of secrecy.

To this date, no government official has been held accountable for warrantless wiretapping or torture.

WikiLeaks

While his policy on whistleblowers and state secrets has been a dark mark on his presidency, another argument Obama’s Justice Department is contemplating has the potential to forever alter press freedom and transparency in the US. While the government has punished leakers in its ranks, the *publishing* of such information once it is in the hands of private citizens and the press has traditionally been an activity protected by the First Amendment. For that reason, the government’s potential prosecution of media organization WikiLeaks is the most dangerous policy choice towards secrecy the Obama administration has undertaken.

WikiLeaks, which has published hundreds of thousands of leaked classified documents from the Afghanistan and Iraq wars, along with US State Department cables, is under grand jury investigation for conspiracy to commit espionage. And while the government may see WikiLeaks as wholly different from a mainstream media organization, the law does not. If WikiLeaks is convicted under the theory the government has presented to the press – WikiLeaks talked to a source who gave it classified documents to publish – then no media organization would be safe.

The next time *The New York Times* has a story that is of vital public interest, but also happens to be stamped “Top Secret” – like its 2005 investigation into warrantless wiretapping or the *Washington Post*’s 2005 story on CIA torture prisons – the government could prosecute the newspaper under the same theory. Just the threat could keep newspapers from publishing a story, which, in earlier times, may have won the Pulitzer Prize.

With classification out of control and the Freedom of Information Act process slowing to a halt, leaks and the publication of so-called “secrets” can sometimes be the public’s only chance to know what its government is up to. Now that both the leakers and the publishers face legal threats, the consequences could be devastating.

Action steps

- Call Congress and implore them not to implement any more anti-leak measures through legislation, as they are currently contemplating.
- Demand that President Obama implement the original promises he made in 2009 on reforming the classification and FOIA systems.
- Encourage constituents to ask candidates for office in the November 2012 elections about their views on transparency. With a court system tilting towards secrecy, accountability towards office holders provides the most effective option in stemming the tide of secrecy. ■

37 www.aclu.org/national-security/amnesty-et-al-v-clapper

38 ccrjustice.org/newsroom/press-releases/ccr-appeals-warrantless-wiretapping-ruling

39 www.eff.org/cases/jewel

40 www.aclu.org/national-security/mohamed-et-al-v-jeppesen-dataplan-inc

**ObservaTIC**

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Introduction

Uruguay is immersed in the process of digitising its media. The so-called “analogue blackout” is expected to take place in 2015. In this context, at the beginning of 2010 a Law on Audiovisual Communication Services (with the Spanish acronym of LSCA) was developed. Among other things, the law aimed to change the process by which frequencies are allocated.

The last decades have left a legacy of political practices that have ignored how broadcast frequencies were allocated, a situation that promoted political favouritism and consequently undermined the transparency of the process. Until the Decree on Terrestrial Digital Television 585/2012 was approved in May 2012, the legal framework was the same as the one in place under the country’s dictatorship (1973-1985).

In this report we present and analyse the public consultations that took place before the development of the LSCA and the approval of the Decree on Terrestrial Digital Television, which were both carried out in a new way: using the internet. This entailed a new approach to citizen participation in a process of political decision making that fosters transparency, democratisation and accountability.

Policy and political background

Since leftist governments have come to power in Uruguay, a shift in public policy has taken place. For instance, government offices were created to improve social inclusion in the information society.

On 19 December 2005, Law 17.930, Article 72 called for the establishment of the Agency for the Development of Electronic Government and the Information and Knowledge Society (AGESIC). The institution’s structure and plan of action were geared to the improvement of public services using ICTs. Its principal lines of action are related to the creation and implementation of laws and the creation of a guide of good practices for the state’s e-government strategy.¹

To this end, Law 18.381, dealing with the right to access public information, was promulgated on 17 October 2008. This law aims to promote the transparency of the administrative functions of government entities and to guarantee the right to public information. It gives the right to any person to seek information without the need to provide reasons. For this purpose the Agency for Access to Public Information was created.

Using the internet for public participation

The allocation and control of the frequencies to be awarded are issues to take into serious consideration given the potential of this to impact on human rights generally.

Because of this, 2010 saw the start of an open public consultation on the LSCA. The National Telecommunications Office (DINATEL) was in charge of handling the issue, and it decided to form a Consultative Technical Council (CTC) which included different actors from civil society, the private sector and universities, among others.²

At the same time it used the internet to start a public debate, while also calling for input into the legislation. The proposals offered by citizens through this process fed into the CTC deliberations. The discussion phase for the CTC members was organised into weekly sessions during the second half of 2010. Once this was completed, the CTC produced a report which described what it thought should be included in the LSCA. After its task was completed, the CTC was dissolved.

The report drafted by the CTC reached the authorities and an 18-month stalemate followed, during which it was uncertain if the LSCA would be created. In the end, the LSCA never came to pass.

In a second phase, the Office of the President developed a draft of the Decree on Terrestrial Digital Television which was made public through the Ministry of Industry, Energy and Mining’s website so that citizens might discuss it openly.

What was the result of these initiatives? How were they appropriated by the public?

These questions arise in a political context where e-government and, consequently, e-governance is being pursued (for instance, with the creation of

1 Asociación por los Derechos Civiles and Open Society Institute (2008) *El precio del silencio: Abuso de publicidad oficial y otras formas de censura en América Latina*; Lanza, E. and Gómez, G. (2009) *Libertad de expresión y publicidad oficial*, Grupo Medios y Sociedad, Montevideo.

2 Radakovich, R. et al. (2012) *Mapping Digital Media: Informe de Uruguay*, Universidad de la República, Montevideo.

AGESIC as the main agency towards this end). Literature on the subject often states that e-government increases trust in government, and makes politics more generally accessible and decisions more accountable. It is important to point out that Uruguay has been ranked among the most transparent and least corrupt countries in the Americas,³ making it a suitable environment for generating the kind of transparency that e-government implies.⁴ In this regard there have been several concrete attempts to deepen e-government in Uruguay, including the transmission of parliamentary sessions on the internet with the idea of making the activities of legislators more accountable, transparent and democratic.

The public consultations that took place through the two websites – the first one via the CTC and the second through the Ministry of Industry, Energy and Mining – are hallmarks of the process of developing e-governance. In particular, they entail participation, allowing citizens to become more knowledgeable, promoting interaction and making political practice more transparent.⁵ All these factors undermine opportunities for corruption as the public has access to the process of developing legislation. Public access to events allows individuals to serve as watchmen.⁶

Contemporary sociological theory states that ICTs increase the opportunities for surveillance, as described by sociologist David Lyon.⁷ In the events discussed, the internet opened the development of the LSCA up to public scrutiny and created proper weapons for people to fight corruption, denounce it when it takes place, and prevent it. It also increases institutional-based trust, understood as the transparency produced by sharing information online.⁸ It enacts what Ndou⁹ argues to be a good way for citizens to participate in making decisions, propose ideas through public forums and communities, and bring their knowledge into the public realm. All in

all, the relationship between government and the people is enhanced.

The opportunity for the transparent allocation of frequencies, with the internet as a tool in the process, has the political support of those who promote public discussion on the matter. Both instances involving citizens in the drafting of laws are clear examples of a new form of participation and therefore of empowerment. There is a shift in focus as people change their role of being mere mediated listeners of resolutions to influencing decisions.

However, another possible consequence of these sorts of processes to bear in mind is that, as Lenihan¹⁰ argues, the democratisation brought about by ICTs has the possibility of “over-empowering” sections of the public; a situation that sees large groups or communities on the web overshadowing other groups or elected representatives themselves.

According to engineering expert Carlos Petrella, the internet as a tool in itself does not promote intelligent use of the tool, and as Professor Ana Laura Rivoir from Universidad de la República states, the appropriation of ICTs by the citizenry is needed to really harness the opportunities they offer.¹¹ These changes correspond to cultural processes and therefore are not merely technological considerations. As has been argued, intermediaries might be needed to analyse the information presented to citizens. This could be true as the participation in the public consultations discussed was not as extensive as desired for such an important matter. Only groups concerned with the media participated. Other groups from civil society seemed unable to see the internet as an important tool to be included in the media agenda.

Conclusions

This discussion on the development of the LSCA intends to show a new approach to political practice. We see that the tools offered by ICTs are starting to be considered relevant in relation to political participation; but, most importantly, they reveal their potential as weapons to fight corruption and to make political decision making more transparent.

The legislative framework for the process of frequency allocation is developed in an open space where citizens are invited to participate. They have the possibility of watching the whole process and of tracing the decisions that are made.

3 cpi.transparency.org/cpi2011/results

4 Sour-Vargas, L. (2007) Evaluando al gobierno electrónico: avances en la transparencia de las finanzas públicas estatales, *Economía, Sociedad y Territorio*, VI (23), p. 613-654.

5 Tolbert, C. and Mossberger, K. (2006) The Effects of E-Government on Trust and Confidence in Government, *Public Administration Review*, May/June.

6 Bertot et al. (2010) Using ICTs to create a culture of transparency: E-government and social media as openness and anti-corruption tools for societies, *Government Information Quarterly*, 27(3).

7 Lyon, D. (2007) Surveillance, Power and Everyday Life: A chapter of the *Oxford Handbook for Information and Communication Technologies*. www.sscqueens.org/sites/default/files/oxford_handbook.pdf

8 Tolbert, C. and Mossberger, K. (2006) op.cit.

9 Ndou, V. (2004) *E-government for Developing Countries: Opportunities and Changes*, Department of Business Administration, University of Shkoder, Albania.

10 Lenihan, D. (2002) *E-Government, Federalism and Democracy: The New Governance*, Centre for Collaborative Government.

11 Ayala, A. (ed.) (2011) *Políticas de uso de herramientas web 2.0 en la administración pública de América Latina: Informe de Investigación*, CIESPAL, Quito.

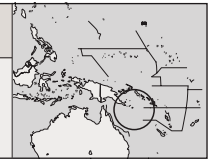
The importance of this is that political favouritism is being counteracted. Literature on the subject states that the internet as the foundation for e-government increases the possibilities of anti-corruption measures, increasing transparency, democratisation and accountability. These are the steps that are being taken in Uruguay. These are encouraged by the fact that this has been a country with low corruption rates. At the same time there is the political will to produce positive changes. This is a fertile context to develop e-government relationships with the citizens, and therefore transparency in public management.

Action steps

- Help establish processes of public debate and consultation using the internet when developing policy and legislation. The internet is a tool that, used in the correct way, enhances the opportunity for accountability and transparency.
- Political will is needed to increase participation and to make individuals not just passive receivers of decisions but also participants in debates. Citizens could demand participation through channels that enable fluid communication – and the internet is an excellent mechanism for this.
- The formation of forums before policies are adopted could be a good way to obtain input and feedback from stakeholders, strengthening the development of policies *during* the decision-making process, and not trying to do that afterwards. The internet is a channel that should be promoted for this purpose.
- It is necessary to encourage people to develop skills in cooperation, to strengthen their voices as critical agents, to be proactive, and to appropriate new technologies. ■

VANUATU

A WORK IN PROGRESS: ACCESS TO THE INTERNET IN VANUATU



Dan McGarry

Introduction

The internet, and particularly its role in combating censorship and encouraging public awareness and engagement, is still very much a work in progress in Vanuatu. While for many countries the challenge is how best to leverage the internet as a tool for social justice, the primary challenge for Vanuatu is simply to ensure access to information technology of any kind. That said, internet and related technologies have already begun to make their influence felt in a number of meaningful ways.

With a tiny population of barely 250,000 people dispersed across a 1,000-km-long archipelago of mountainous volcanic islands, Vanuatu¹ faces significant challenges in developing and maintaining even a basic telecommunications infrastructure. While it lags significantly behind much of the developed world, its progress compares well with neighbouring Melanesian nations, including the Solomon Islands and Papua New Guinea.

With the breaking of the local telecommunications monopoly in 2008, it became clear that Vanuatu recognised that technological development was one development area in which it could achieve significant social and economic benefits. Following the introduction of competition into the telecommunications market, mobile penetration rates jumped from barely 8% of the population to well over 60%. In its 2011 annual report, the Telecommunications and Radio Communications Regulator² states that telecom revenues have more than doubled in the same time period. The social effects of this radical transformation have been tracked in a series of surveys conducted by the Pacific Institute of Public Policy.³

In spite of significant improvements, internet access outside of Vanuatu's two main municipal centres (Port Vila, the capital and Luganville, on Espiritu Santo island) remains effectively non-existent. The primary obstacle is cost; at present, Vanuatu relies exclusively on satellite communications for internet access, resulting in monthly bandwidth fees in the

thousands of US dollars per megabit for uncontented – i.e. internet service provider (ISP)-grade – traffic. The result for consumers is internet connection fees that are an order of magnitude greater than one might see in developed markets.

Likewise, environmental factors make the operation of communications networks uniquely difficult. Vanuatu's geographical location means that it experiences hurricanes annually, as well as frequent earthquakes, three of which measured in excess of seven on the Richter scale in the last two years.

Notwithstanding these hurdles, a simplified licensing process has led to the establishment of numerous retail ISPs. Prices remain high, but they have fallen drastically since 2008. Both Telecom Vanuatu Ltd. (TVL)⁴ and Digicel Vanuatu⁵ (Vanuatu's two telephone carriers) now offer 2G or 3G+ services on their mobile networks. Others offer residential Wi-Fi services at relatively competitive rates.

Nonetheless, the internet remains out of reach for most Vanuatu residents. Computer hardware and internet service prices are still too high for the average wage earner (let alone the cash-poor majority). Compounding this issue, reliable electrical power is largely unavailable on most islands.

The mobile internet revolution therefore offers significant promise to Vanuatu's unconnected majority – and the prospect of ubiquitous connectivity via low-power, rechargeable devices is a compelling one.

Many of the recent improvements in access to electronic communications are directly attributable to the government of Vanuatu's commitment to universal access. In spite of months of turbulence and changes of leadership in its typically fractious political landscape, the government has nonetheless held a largely steady course. Its national information and communications technology (ICT) policy, which has "ICT for all" as its core principle, is currently undergoing an extensive review which should be completed by early 2013.

Strategic challenges

The process of building a competitive and open market has not been without challenges. Both TVL and Digicel have at times contested decisions made by the

1 en.wikipedia.org/wiki/Vanuatu

2 trr.vu

3 www.pacificpolicy.org

4 tvl.vu

5 www.digicelvanuatu.com

independent regulator, and disputes have on occasion risen to the political level. An attempt to suspend the telecoms regulator⁶ by the minister of Infrastructure and Public Utilities in early 2012 was followed quickly by the transfer of authority over telecommunications to the Prime Minister's Office (this move had been in the works for some months prior to this event.) In assuming control over ICT development, the prime minister created the Office of the Government Chief Information Officer (OGCIO), responsible for policy development as well as managing the government's own e-government network, a new backbone network linking all government offices and provincial centres.

Among the OGCIO's first priorities is the oversight of a private sector-led project to establish a submarine fibre optic cable link between Vanuatu and neighbouring Fiji, which sits astride the trans-Pacific Southern Cross Cable. The cost of the undertaking relative to Vanuatu's tiny economy has been the cause of some contention⁷ concerning who will ultimately bear the burden of capitalising it, but the government remains intent on seeing the project to fruition even if, as the prime minister has stated, they need to explore a "plan B".

Both mobile telecommunications companies have at times complained that the government's Universal Access Policy (UAP) – and particularly the requirement that they contribute a percentage of net income to the UAP fund – is too heavy a burden to bear in so small a market. Contention over payments to the fund led the Australian Agency for International Development (AusAID), which had promised matching funds, to suspend its contributions until the controversy could be resolved. The government intends to review the UAP in the coming months but stresses that its commitment to universal access remains unchanged. There is every reason to believe that it is sincere in this regard.

In an interview during the preparation of this report, government CIO Fred Samuel stated that the coming years would see significant government investment in putting public information online. A report⁸ jointly authored by UNESCO, the OECD and the Internet Society indicates that this is a key element in improving usefulness and reducing costs in local internet.

A growing appetite for dialogue

The rate of internet use among urban dwellers is growing significantly, and with it comes a vast – and to date, largely unquenched – thirst for dialogue

with Vanuatu's political establishment. While Ni-Vanuatu (i.e. indigenous citizens) have flocked online as quickly as cost and access will allow, their political elite is largely absent. Only one political party⁹ in the nation has its own website.

This may be changing, however. In August, both the prime minister and the leader of the opposition participated in back-to-back "Face to Face" events¹⁰ facilitated by the Pacific Institute of Public Policy,¹¹ in which members of the public asked questions directly to the leaders. This public meeting used the newly built e-government network to connect all six provincial headquarters to the event, making it the first truly national political event in the country's history. Since then, more candidates and members of parliament have begun to appear in online forums.

The enthusiasm with which Ni-Vanuatu have embraced internet communications is best illustrated in the growth of the Yumi Toktok Stret ("Straight Talk")¹² Facebook group.¹³ In the course of a few short months its membership has risen from a few hundred to over 9,600 at the time this report was being prepared. This number represents the vast majority of internet users in the nation.

Notably, Yumi Toktok Stret membership outnumbers Papua New Guinea's Sharp Talk¹⁴ Facebook group, which was the subject of intense media attention¹⁵ as the country underwent a series of parliamentary and constitutional contortions during a protracted political leadership fight. Such numbers are reflective of a phenomenon peculiar to Vanuatu society: the ability to unite even in the face of striking differences of opinion and belief.

The tone in this group has at times been boisterous, sometimes downright rancorous. Its atmosphere contrasts sharply with some of the more highly moderated (and notably, less popular) social media groups. Commentary, especially among the Ni-Vanuatu youth, displays a great deal of anger, impatience and disaffection with Vanuatu's political scene, which is universally regarded as fundamentally corrupt. When a photograph was posted to the group, allegedly showing the minister of Infrastructure and Public Utilities

9 www.graonmojastis.org

10 www.pacificpolicy.org/blog/2012/08/22/facing-the-nation

11 Full disclosure: The author of this report is employed by the Pacific Institute of Public Policy and participated in this Face to Face event.

12 www.facebook.com/groups/yumitoktok

13 A partial list of Vanuatu-centric social media resources is maintained by the Vanuatu IT Users Society: vitus.org.vu/socialize

14 www.facebook.com/groups/Sharptalk

15 www.pmc.aut.ac.nz/articles/social-media-activism-png-plays-role-political-upheaval

6 www.dailypost.vu/content/todays-dailypost-newspaper-monday-27-february-2012

7 www.pacificpolicy.org/blog/2012/06/30/the-cuckoos-egg-sharing-the-communications-wealth-in-the-pacific

8 www.internetsociety.org/localcontent

emerging from a nightclub in the early morning hours, shirtless and drunk, 722 comments followed, few of them complimentary.

Issues discussed include not only domestic politics and quality of life issues, but numerous postings concerning Melanesian brethren, particularly the situation in West Papua. Since independence, Vanuatu has advocated for the liberation of West Papua from Indonesian rule. The issue recently threatened to become a flashpoint when Prime Minister Sato Kilman, having expelled the Australian Federal Police in a diplomatic tiff, enlisted the support of the Indonesian government. Images and video footage of protesters being arrested in Port Vila for their opposition to this move generated angry online protestations of support. Photos and footage documenting political and human rights abuses in West Papua are a common feature on Yumi Toktok Stret.

Likewise, the publication online and in print of the identities of three Indonesian “investors” who allegedly entered the country illegally with the assistance of the prime minister’s first political advisor (or PA) caused such an uproar that the prime minister was forced into a quick *volte-face* that led to the expulsion of the three on the next available flight.

Members of Vanuatu’s political and power establishment appeared initially to have been caught off guard by this outpouring of concern, commentary and newfound political awareness. Following comments strongly critical of the Vanuatu Police Force (widely believed to be ineffectual), members of the force “invited” several members of the public to the police station to explain their Facebook comments. These acts were of course quickly documented online.

Social media are demonstrating their ability to accelerate the flow of news and information throughout an already tightly knit and chatty society (a phenomenon known locally as the “coconut wireless”). In July, an anonymously sourced report emerged online, concerning alleged abuses of privilege by management and senior staff of the Vanuatu National Provident Fund. The website was subsequently taken down by its creator due to concerns for the security and safety of those involved. Discussion on the topic on Facebook was heated and voluminous,¹⁶ culminating in an impromptu demonstration outside the Fund’s headquarters. Subsequent public meetings and media reports largely refuted the initial accusations, but an independent audit of the Fund was nonetheless commissioned by Minister of Finance Moana Carcasses Kalosil. Indeed, this event marked Moana’s

entry into the online dialogue, wherein he responded directly to many commentators.

The relationship between Vanuatu’s print and electronic media is an interesting one. Each seems to reinforce the other. Due to its relatively low cost and ready availability, many Vanuatu residents continue to rely on the newspaper to provide authoritative news and information. Ni-Vanuatu, accustomed as they are to the rapid and often unreliable spread of information through the traditional “coconut wireless”, are sometimes slow to accept the veracity of online reportage. Vanuatu’s small but effective journalistic establishment has managed to maintain its reputation for integrity and telling truth to power.

When the news of the three Indonesians’ illegal entry into the country (mentioned above) broke online and then in print, there was no formal online response from the government. The political advisor who was alleged to have facilitated their entry did, however, issue a warning to the *Daily Post* newspaper that he was seeking legal counsel in preparation for a defamation case.

If the trend continues as it has, it is likely that, rather than subverting the printed media, Vanuatu’s online social media will continue to play a complementary role. Both traditional and new media seem to reinforce one another, with print media providing essential fact-checking and investigative work and new media providing a means of accelerating and broadening the flow of information, as well as providing an invaluable forum in which the long-neglected voices of average Ni-Vanuatu can at last be heard.

The island village goes digital

Vanuatu’s entry into the online world provides a fascinating case study in the effects of traditional discourse and social constructs on development.

Marshall McLuhan’s now-clichéd image of a global village was a pessimistic, almost despairing vision. A flickering, glowing screen replaced the campfire at the centre of the human experience, but those huddled around it, seeking meaning in its seductive gaze, were as brutish and unreflective as he imagined early man to be.

McLuhan’s despairing metaphor was wrong in one critical regard: the people sitting around the village campfire are not nearly the simpletons he imagined. Dozens of case studies in Vanuatu demonstrate that even in a society with only the most rudimentary technology, people show ingenuity, perspicacity and intelligence. Given access to mobile telecommunications, they grasp the initiative, improving their lives in significant ways.

¹⁶ www.facebook.com/groups/yumitoktok/search/?query=vnpf

Vanuatu's online coming-of-age story is, so far, a positive one. While recent developments only highlight just how far it has yet to go, the benefits are nonetheless noticeable and significant. Most important of all is the fact that Vanuatu society has managed to maintain some of its most salutary characteristics while coping with what for many is a leap straight from a world without automation into the information age.

But communalist societies can sometimes indulge in collective behaviour considered unacceptable in Western societies. Respect for privacy and individual rights are often secondary considerations. During the Vanuatu National Provident imbroglio, private pictures of the Fund manager were posted online and at least one literally incendiary graphic appeared: a Photoshopped image of the Fund headquarters in flames. A small but significant minority of commenters openly advocated an attack on the building itself. The overwhelming majority, however, strongly advocated adherence to the rule of law.

Action steps

- Vanuatu's primary challenge remains achieving even a modicum of access for the majority of the largely rural population. This will be a core component of the upcoming national ICT policy.
- Development of infrastructure and information management plans to embrace and enhance the Chinese-funded e-government network are already underway. The first fruits of this effort have already begun to appear.
- Steps taken to protect the integrity of the independent regulator and to elevate the role of the government chief information officer have allowed them to prioritise universal access to the internet and to tackle issues related to open government and improved public dialogue. These include initiatives related to local content best practices, improved management of the .vu top-level domain as a public resource, and community-led advocacy concerning public dialogue online. ■



EsLaRed

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Introduction

This report analyses the Venezuelan government's public policies regarding e-government and the implementation of tools that facilitate access to public information through the internet. This is a way to increase efficiency in the management of state enterprises, improve services and provide more transparent accountability that will enable citizens to exercise their right to democratic participation and to combat corruption. It specifically examines the case of the state food company PDVAL,¹ which in recent years has allegedly committed corruption that shocked the public both nationally and internationally. This report considers e-government in Venezuela for the period 2010-2011, and the legal framework concerning anti-corruption actions in public management, control of public expenditure, and citizens' access to government information. It also analyses the government measures applied in the case of PDVAL's alleged corruption, and comments on the public's reaction in different media (debates, reports, social networking and digital media) in their attempt to report what they judged as inefficient or fraudulent management of public goods. Finally, the report proposes a series of actions and recommendations about transparency and accountability in Venezuela.

Political background

Even though there is no law fully regulating access to public information in Venezuela, a draft Law on Transparency and Access to Public Information² has been recently developed and was to be discussed during 2012 in the National Assembly.³ Also, the National Constitution,⁴ in its articles 28, 31, 51, 57,143

and 325, provides for the right of all people to access public information.

Of utmost importance to the PDVAL case are the Law Against Corruption,⁵ the Law on Administrative Procedures,⁶ the Law on Administrative Procedures Simplification⁷ and the Organic Law on Public Administration.⁸ These laws, which are in force, consider transparency a leading principle and establish the use of new technologies for public administration and relationships with citizens. In fact, they urge governmental agencies to develop portals and websites containing relevant information for citizens and to promote e-government as a way to achieve transparency in the management of information.

At present, the E-Government Act⁹ approved by the National Assembly¹⁰ in 2011 dictates the guidelines for the use of information and communications technologies (ICTs) in public administration. There are also laws and ordinances applicable to local, regional and municipal governments that promote transparency in information.¹¹

Venezuela recognises most international laws that proclaim the freedom to seek, receive and impart information and act against corruption.¹²

Finally, PDVAL has been under the Ministry of People's Power for Food (MINPAL)¹³ since 2010, and was created in 2007 as a subsidiary of the state-run oil company PDVSA.¹⁴

The case of PDVAL

Between 2010 and 2011, about 170,000 tons of spoiled food was found in containers located in the port of Puerto Cabello, Venezuela. This food, earmarked for distribution in state-run supermarkets

1 Productora y Distribuidora Venezolana de Alimentos
 2 asambleavisible.files.wordpress.com/2011/06/proyecto-de-ley-orgc3a1nica-de-transparencia-y-acceso.pdf
 3 www.asambleanacional.gov.ve/index.php?option=com_content&view=article&id=37608%3Acomision-de-contraloria-propone-tres-instrumentos-juridicos-para-este-ano&catid=1%3Alatest-news&Itemid=246&lang=es
 4 www.asambleanacional.gov.ve/index.php?option=com_content&view=article&id=24728&Itemid=238&lang=es

5 www.asambleanacional.gov.ve/index.php?option=com_leyesficha&hidid=detalleley&Itemid=213&idley=850&lang=es
 6 www.tsj.gov.ve/legislacion/lopa.htm
 7 www.uc.edu.ve/diuc/pdf/LeySobreSimplificaciondeTramitesAdministrativos.pdf
 8 web.laoriental.com/Leyes/L010N/L010N1Capo.htm
 9 www.cavedatos.org.ve/download/cdt_367.pdf
 10 www.asambleanacional.gov.ve/index.php?option=com_content&view=article&id=33409:realizaran-jornadas-de-consulta-sobre-la-ley-de-infogobierno&Itemid=50
 11 www.alcaldiamunicipiosucre.gov.ve/contenido/wp-content/uploads/2010/08/Resumen-Ley-de-Acceso-a-la-Informacion.pdf
 12 www.ipys.org.ve/media/24534/manual_aip_venezuela.pdf
 13 www.minpal.gov.ve
 14 www.pdvsa.com

in urban and rural areas, was packed in 1,197 containers. It had reached its expiration date, and was therefore unacceptable for human consumption. At the time, officials explained the spoiling of the food as inefficient management by PDVAL, which allegedly imported greater amounts of food than it could manage to distribute. However, non-governmental media – traditional and digital – have analysed it as an obvious case of corruption in which public managers deliberately imported food that was nearly or already expired for embezzlement purposes.

This scandal was in apparent contradiction to existing laws and regulations in the country stating the obligation of transparency in the management of government agencies, and the rules urging the use and promotion of ICTs as tools for the dissemination of information, democratic participation of citizens and control of the potential corruption in their respective governments.

However, examining the effectiveness and transparency of e-government in the management of the food company PDVAL, we find some revealing facts:

- MINPAL has an institutional portal with official information about the ministry and nine different associated agencies¹⁵ involved in the food marketing chain.¹⁶ This is in accordance with Article 27 of the Law of Info-Governance, according to which all governmental agencies are obliged to publish on their official websites information about their mission, organisation, procedures, relevant regulations, documents of interest to people, management reports, operational plans and annual financial reports and accounts.
- However, most agencies under MINPAL do not display their annual financial reports and accounts on their portals. In the case of SADA,¹⁷ the government agency responsible for food storage, a password is required to access the administrative system. This violates the right to social control established in articles 62 and 142 of the Venezuelan Constitution. Moreover, it contradicts the approved national policies about the strategic use of ICTs as described in the Simon Bolívar National Plan, and in the Telecommunications, Informatics and Postal Services National Plan.

- MINPAL's main site only displays an annual financial report and accounts for 2007.¹⁸ Besides this, information is so scarce that it precludes a serious analysis on management of public resources. The report on 2008 has an inoperative link and MINPAL only shares information about the management of the agencies attached to the ministry.
- The government's annual financial report does not display information about MINPAL, and the link to MINPAL is missing.
- The PDVAL official site shows no records of operational and financial plans, and does not have annual financial reports for 2010¹⁹ and 2011.²⁰

This lack of transparency, paucity or absence of official information which was strongly suggestive of the ineffectiveness of the e-government programme in the country led the citizen media to discuss the PDVAL case as one of patent corruption, in which unscrupulous officials deliberately imported expired food at lower prices for profit. In fact, the Venezuelan Programme of Education-Action in Human Rights (PROVEA)²¹ demanded that the government and National Assembly²² guarantee the “delivery and access of reports and accounts of all public institutions of the country (and the application of) penalties for officials who fail to comply with this obligation.”

At the same time, public opinion started to be heard in digital forums, in the independent press, on non-governmental radio and television, and on blogs,²³ websites and social media (Twitter and Facebook), all of which were reporting on PDVAL frequently. In a very short time the scandal was known worldwide,²⁴ which pressured the government to investigate. The results of the investigation were:

- In 2009, PDVSA's auditor general,²⁵ Jesus Villanueva, acknowledged in a confidential memorandum that poor quality food was imported, and wrote about the extent of the financial disaster of PDVAL food imports. He also reported about overpriced payments and

15 www.minpal.gob.ve/index.php?option=com_content&task=view&id=6&Itemid=13

16 The marketing chain encompasses production, transportation, storage, distribution and final sale.

17 sada.gob.ve/administrativo/admin/index.php

18 www.minpal.gob.ve/index.php?option=com_content&task=view&id=9&Itemid=27

19 www.derechos.org.ve/memoria-y-cuenta/memoria-y-cuenta-2010

20 www.derechos.org.ve/documentos-oficiales/memoria-y-cuenta-2011

21 www.noticierodigital.com/2012/02/provea-exige-al-ejecutivo-difundir-publicamente-memoria-y-cuenta-de-las-instituciones-oficiales

22 Ibid.

23 www.democraticunderground.com/11081638

24 es.wikipedia.org/wiki/Caso_PDVAL

25 www.reportero24.com/2011/03/auditor-de-pdvsa-alerto-corrupcion-en-importaciones-de-pdval

the purchase of expired food or products that never arrived, which led to losses amounting to several hundred million dollars. The memo also mentions the haphazard processes that governed importing and the lack of coordination inside the ports.

- In May 2010, at the request of the Attorney General,²⁶ the 2009 general manager and chief operating officer of PDVAL, Ronald Flores and Vilyeska Betancourt, were arrested.
- On 28 August 2010, the Comptroller General of the Republic (CGR) analysed 37 containers of food out of 305 that had been abandoned at customs at the ports of Puerto Cabello and La Guaira. Inspections by the National Institute for Agricultural Health and the Autonomous Service of Sanitary Control determined that the food in the containers had expired or had near-expiration dates, and some had signs of decomposition.
- Evident differences between the inventories of the warehouses and those managed by the company were also reported, and detailed information about purchase orders and the location and condition of the food received revealed the inefficiency of PDVAL management.
- On 30 March 2011, Comptroller General Clodosbaldo Russian²⁷ openly criticised PDVAL management, since it had proceeded “without regard to strictly legal and technical criteria.”
- In November 2011 the Justice Department and the National Office of the Republic granted parole to the accused in the PDVAL case. At the same time, Deputies Neidy Rosal²⁸ and Aura Montero²⁹ complained to the National Assembly about the deferrals and delays by MINPAL in the application of penalties in the PDVAL case. They also asked for a review of the processes and for the intervention of the president of the Supreme Court of Justice and the Attorney General’s Office, while requesting further investigation of new cases³⁰ of spoiled food in 2012. At present, the PDVAL accused are free.

26 informe21.com/actualidad/detenidos-dos-ex-directivos-pdval-sus-presunta-vinculacion-alimentos-descompuesto

27 informe21.com/clodosbaldo-russian/clodosbaldo-russian-pdval-importo-comida-%E2%80%99C-criterio-legal-tecnico

28 www.diariolacosta.com/detalles/Detenidos-por-caso-Pdval-fueron-dejados-en-libertad

29 www.s1.acn.com.ve/portal/politica/item/45721-diputadas-de-prove-solicitan-a-la-an-para-que-investigue-las-denuncias-realizadas-en-el-caso-de-pdval

30 noticierovenevision.net/nacionales/2011/noviembre/9/1123=diputadas-de-carabobo-piden-seguir-investigando-pdval-ante-la-aparicion-de-mas-comida-descompuesta

The PDVAL case reveals important facts:

- Even though the country has excellent laws and regulations concerning an efficient e-government system and the role of ICTs as a tool for citizen control of corruption, there is no enforcement of these laws and norms. This can be seen by the fact that neither the PDVSA nor MINPAL (to which PDVAL reported) displayed the due information on their portals as established by MINPAL regulations.³¹
- Social media have been crucial to force the government to investigate cases of corruption and embezzlement as provided by the constitution.
- When laws do not coexist with law enforcement, then e-government, access to information and democratic participation remain on paper only.

Conclusions

In the period 2008 to 2010, PDVAL was a subsidiary of PDVSA, and from 2010 the government placed it under MINPAL’s jurisdiction, alleging mismanagement on PDVSA’s part. However, MINPAL and its agencies do not comply with the provisions of the E-Government Act. We are faced with a contradiction between laws that promote digitisation and access to information through the internet, and government agencies that violate the very fundamental principles of e-government being promoted. This inconsistency goes beyond the case before us. Decree 825, for example, stipulates the use of the internet for e-government purposes, but the subsequent Decree 6449 defines payments for internet use in the public sector as “luxury spending”. At present, internet expenditures by public and private universities require the approval of the state vice president.

Even though after nearly 18 months since the allegations discussed above the Venezuelan government has not issued sanctions against the accused, the PDVAL case demonstrates how digital media, social networks and virtual communities can play a leading role in formulating public allegations in corruption cases, which then become legal matters.

PDVAL is an example of the level of corruption seen nowadays in Venezuela, a phenomenon that continues to result in shocked national and international opinion. It is also evidence of a lack of transparency and accountability by the government in the use of public funds, and, in particular, the failure in the implementation of

31 www.minpal.gob.ve/index.php?option=com_content&task=view&id=70&Itemid=56

the state's e-government programme. These factors adversely affect the quality of life of citizens and violate constitutional laws.

Action steps

Government agencies

- Deploy efficient e-government processes in public institutions as a way to ensure transparency and accountability.
- Be rigorous in the implementation and enforcement of legislation to promote the control, supervision, monitoring and auditing of the use and management of public assets.
- Monitor the use of funds for the establishment of e-government systems that ensure access to information concerning government agencies.
- Demand that judicial bodies streamline the processes that handle corruption cases, particularly those that threaten the country's food security.
- Maintain a separation of powers in order to facilitate transparent judicial processes when it comes to public administration.

NGOs

- Join forces to report the difficulties encountered in accessing public information to national and international entities.
- Demand sanctions for public institutions that violate laws designed to promote social control.
- Raise allegations of corruption before impartial national and international bodies that will guarantee the punishment of those responsible.

Citizens

- Secure their presence and participation through using social media and demand that the government have a coherent understanding of the role that ICTs should play in a democratic society: as a tool for ordinary people to exercise social control over their governments and participate in real decision making to improve their quality of life. ■

WESTERN BALKANS

THE COLLECTIVE MEMORY OF THE UNDONE AND THE DAMAGE



OneWorld Platform for Southeast Europe (owpsee)

Valentina Pellizzer
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Introduction: Overview of a region rife with corruption and bribery

The daily chronicle of this small region is one of corruption and bribery. That is what emerges from media reporting on the trial of the former prime minister of Croatia,¹ and is confirmed by the arrest of Nazmi Mustafi, Kosovo's top anti-corruption prosecutor, over "allegations he took bribes to drop corruption charges against powerful individuals."² According to the Business Anti-Corruption portal, compared to the regional average, Albania "is the country where the highest percentage of companies expects to give gifts in order to get a government contract."³

The situation is no different in Bosnia and Herzegovina, where, this June, the Centre for the Study of Democracy (CSD) in Bulgaria and Centre for Investigative Reporting (CIN) in Sarajevo published the report "Countering Corruption in Bosnia and Herzegovina 2001-2011".⁴ This shows that over the past 10 years corruption in Bosnia and Herzegovina has increased, while the actual participation of citizens in corrupt activities has subsided.⁵

Very similar is the situation in Serbia, Montenegro and Macedonia, where a "leading political cartel" manages the public good as their own private resource and uses corruption cases as a way to eliminate political opponents. According to Petrus van Dijn, a professor at Tilburg University in the Netherlands, "The commitment to the fight against

corruption in Serbia is the same, if not lower than it was in 2000... [A]nti-corruption legislation has been extended, but there are fewer convicted of corruption than during Milosevic's regime, and the number of prosecuted cases is lower than before 2000."⁶ And then Montenegro and Macedonia. The first is "a country that has not seen a change of government for 23 years, stifled by corruption and organised crime," says Vanja Čalović, director of the NGO network MANS,⁷ which, during the elections held on October 2012, found 14,000 cases of names included several times in the electoral lists. Macedonia, on the other hand, combines a lack of transparency in general public expenditures, with a judiciary involved in the cover-up of high-level corruption cases, and strong pressure on the media, including the drive to shut down A1 Television.⁸

Apart from Croatia, which finalised the European Union (EU) accession process in June 2011 and will formally become a member of the EU in July 2013, all the remaining countries have launched their own "anti-corruption chapter" on their way towards joining the EU. In order to successfully conclude their negotiations, they need to prove their seriousness and commitment in combating corruption. Yet widespread corruption has been confirmed by Transparency International's latest Corruption Perceptions Index, released in 2011. Croatia and Montenegro rank 66th and Kosovo 112th out of 183 countries and territories of the world surveyed. For their part, Albania ranked 95th, Bosnia and Herzegovina 91st, Serbia 86th, and Macedonia 69th.

Overview of national laws against corruption and for transparency

Anti-corruption initiatives are present almost everywhere in the region. Albania leads the reform path, while Kosovo and Bosnia and Herzegovina mark time. Albania, Croatia, Macedonia and Montenegro have joined the Open Government Partnership,⁹

1 "In Croatia a trial of a former prime minister starts next month, promising to open a window on widespread political corruption over the past decade. Ivo Sanader is pleading innocent to charges that he and his ruling Croatian Democratic Union party (HDZ), which ran the country for most of the past 20 years, siphoned off nearly 10m (£8m) from privatisation proceeds into party funds. Sanader is already being tried on two further sets of graft charges." www.guardian.co.uk/world/2012/mar/29/central-europe-centre-right-corruption-claims

2 www.rferl.org/content/kosovar_anticorruption_prosecutor_arrested_for_corruption/24536494.html

3 www.business-anti-corruption.com/country-profiles/europe-central-asia/albania/snapshot

4 www.csd.bg/artShow.php?id=16084

5 www.againstcorruption.eu/articles/new-report-on-anti-corruption-in-bosnia-and-herzegovina-published

6 www.politika.rs/rubrike/Hronika/Nivo-borbe-protiv-korupcije-istika-2000-godine.lt.html

7 www.balcanicaucaso.org/eng/Regions-and-countries/Montenegro/Montenegro-a-country-to-change-125391

8 www.unhcr.org/refworld/country,,MKD,4562d8b62,503c722b23,o.html

9 www.opengovpartnership.org

and submitted their action plans, while Serbia has presented a letter of intent.

All countries, except for Kosovo, are participating in the Regional Anti-corruption Initiative (RAI), which has a secretariat for South-Eastern Europe, and have developed national websites.¹⁰ The websites are all in English and can be seen as useful sources of information for English-speaking researchers, considering that they provide information on strategies adopted, legislation, reports and corruption cases.

In general, if we look at the implementation of anti-corruption laws, a report published by Transparency International in June 2011, with a comparative analysis¹¹ of Albania, Macedonia and Kosovo, provides a good synthesis of the regional challenges. These can be summarised under the heading of “abuse of political and economic power”:

- Low and inconsistent levels of access to information
- Ineffective application of asset disclosure requirements
- Absent or unimplemented codes of conduct
- Political interference in institutional responsibilities and operations
- Poor working conditions for judges, legislative staff and civil servants.¹²

In addition to the above, the legal framework regulating the fight against corruption, especially the laws on conflict of interest and financing of political parties, are inadequate or circumvented in these countries.

These results can easily be extended to the entire region, where the formal adoption of legislation complying with EU standards is the general praxis of the political elites managing the public good in the Western Balkans region. It is sufficient to look at country progress reports where each year the European Commission presents its assessment of what each country/candidate has achieved over the previous 12 months.¹³ Here, from the Bosnia Herzegovina report, you can see the reiteration of the same main points: “Incompatibility of laws at

various levels of government; lack of capacity of the institutions which are supposed to enforce anti-corruption laws; judicial inefficiency; incompatibility of regulations in the access to information area; lack of protection of whistle-blowers.”¹⁴ Last but not least, the annual strategy paper¹⁵ which sets out the way forward for the coming year¹⁶ clearly shows the EU carrot-and-stick political practice to try and bring about the smallest improvement.

The internet as collective memory of corruption claims

Corruption cases are regularly covered in major newspapers, or on prime time slots on national TV, but in a region where freedom of the media is jeopardised and much of the mainstream media belongs to the oligarchy, the impact remains low and is easily framed as a “political attack”. Leaving aside the EU reports and their influence on the development of laws that impact on citizens’ everyday life, a key element remains the gulf between the national political elites, who hold the power and influence over institutions, and our fragmented, precarious citizenry, weakened by a divided past, with a regional average unemployment rate of around 21%. In a situation where corruption seems the norm, the long-term effect is growing public tolerance towards corruption. It is a sort of “siege effect” – people have stopped acknowledging the situation as an exception and, in order to survive, have adapted to it and developed mechanisms to navigate safely through it.

As a result, a pervasive corruption exists in which people are part of the system, accepting that it is okay to pay bribes for getting things done: better assistance while giving birth, or a short cut against a fine. The general attitude is that *this is the way it is and we cannot change it*, and this is what makes corruption invincible.

How then do you make people reflect and question? Thousands of pages from reports, hundreds and hundreds of press releases, and sensational headlines clearly do not work. Ordinary citizens have neither the skills to identify state and municipal inconsistencies, nor the opportunities to ask and see their questions answered, taken seriously by public officials. Still we mumble – we citizens complain! If you cannot speak out in formal spaces then you start informally, and the best place in the region for complaining is the internet. So, over the

10 Regional Anti-corruption Initiative website and national websites: www.rai-see.org; www.anticorruption-albania.org; www.anticorruption-bosnia-and-herzegovina.org; www.anticorruption-macedonia.org; www.anticorruption-montenegro.org; www.anticorruption-serbia.org; www.anticorruption-croatia.org

11 archive.transparency.org/regional_pages/europe_central_asia/projects_and_activities/cimap

12 archive.transparency.org/news_room/latest_news/press_releases/2011/2011_06_21_cimap_report_launch

13 ec.europa.eu/enlargement/countries/strategy-and-progress-report/index_en.htm

14 ti-bih.org/en/5599/bih-is-still-the-worst-in-the-region/

15 ec.europa.eu/enlargement/pdf/key_documents/2012/package_strategy_paper_2012_en.pdf

16 ec.europa.eu/enlargement/countries/strategy-and-progress-report/index_en.htm

last two years we have witnessed an increasing presence of online anti-corruption, pro-accountability forums and mapping tools in the region.

Looking from a distance it looks like the different pieces of a giant puzzle – like the incredible display of a collective memory of the undone and the damage. With internet penetration (broadband connection and 3G) on the rise, the digital space is opening up to new ways of reporting: from online communities converging around local accountability issues, to online platforms strengthening access to information or state attempts to open up communication channels with their citizens.

Country highlights

Albania

According to government data, in the last six years Albania moved from 4.8% internet penetration to almost 60% – in contradiction to International Telecommunication Union (ITU) statistics, which rate the country at 48%. It has one of the highest mobile phone penetration rates in Europe (185% at the end of 2011) and a mobile subscription rate for the same year of 96.97%, according to the ITU. The Open Government Partnership Action Plan presented on April 2012 is very ambitious, and the government pledges: “On its 100th independence anniversary, Albania aims to be an e-governed country.”¹⁷

In January this year the EUNACAL Institute¹⁸ launched Raportime,¹⁹ a localised Ushahidi platform inviting citizens to report on a wide range of issues, from environmental issues to human rights. Each complaint is automatically forwarded via email to public officials at the central and local government. Over the first three months, more than 90 reports were filed, out of which 70% came directly from citizens. One of the categories considered is illegal video surveillance, in particular CCTV cameras installed in violation of the law. The commissioner on data privacy contacted the organisation and all complaints in this regard were resolved. Triggered by the initiative, Tirana Municipality started a map²⁰ on its own, but on their map issues that are reported are not made visible until they are resolved.

Another civic initiative is Open Data Albania,²¹ which produces a variety of data visualisations that journalists can reuse in their work. It also creates a repository of the raw data using the CKAN registry system, so that tasks like registering and acquiring datasets²² can be automated.

Bosnia and Herzegovina

The country is far behind Albania. Not only is it not among the signatories of the Open Government Partnership initiatives but, as described in the EU progress report:

Legislative alignment is delayed due to the continuing discussions between the Entities and the State on their respective powers. (...) The State-level Law on the Agency for the Development of the Information Society is yet to be adopted. There is no State-level legislation on electronic documents, e-government and cyber crime. Legislation remains to be aligned with the E-Commerce Directive. (...) The State-level e-commerce law did not enter into force yet. The implementation of the State-level e-signature law of 2006 is pending. The administrative capacity in the State-level Ministry of Transport and Communications remained weak.²³

According to the ITU, at the end of 2011, Bosnia and Herzegovina had 1,955,277 internet users and a penetration of 42.3%, while mobile penetration put the country at the bottom of EU statistics. Bosnia and Herzegovina has still not reached 100% mobile penetration (it was 84.85% at the end of 2011).²⁴

However, the last two years have seen an explosion of initiatives which use the internet to promote transparency and accountability. For example, the Facebook group “Spasimo Picin Park a Banja Luka”,²⁵ an initiative born to defend a small park transformed into a construction site, has reached 41,268 members. The Facebook group hosts discussions, shares information and organises protest walks advocating for local government accountability. Another interesting process to follow has been launched by volunteers in connection with the forthcoming census. They are experimenting with a combination of tools – including a Facebook

17 www.opengovpartnership.org/sites/www.opengovpartnership.org/files/Albanian%20OGP%20Action%20Plan.pdf

18 EUNACAL is an independent public policy research institute established in 2010 to promote citizens' participation and deliberative democracy in Albania by focusing on public policy making in three levels of governance (European, national and local – EUNACAL). eunacal.org

19 The platform uses Web 2.0 tools (Facebook, Twitter, blogs, YouTube, Wikipedia) and facilitates online discussion between students, business managers, politicians and policy makers in Tirana and Brussels. www.raportime.com

20 regullojqytetintim.tirana.gov.al

21 Open Data Albania main website: open.data.al and blog: opendata.al/blog/37/open-data-albania-in-phase-ii

22 Open Data Albania catalogue: explorer.data.al/index/catalog

23 ec.europa.eu/enlargement/pdf/key_documents/2012/package/ba_rapport_2012_en.pdf

24 www.itu.int/ITU-D/ict/publications/material/LDB_ICT_2012.pdf and www.itu.int/ITU-D/ict/statistics/explorer/index.html

25 www.facebook.com/groups/park.je.nas

group and website²⁶ – to get citizen feedback on the proposed census template.

Several monitoring initiatives have been launched: e-zbori,²⁷ an Ushahidi map for monitoring the election; the Virtual Parliament portal created by the Centre for Civil Initiative,²⁸ which has good information on parliamentary work, but is published in a user-unfriendly Flash interface; and the access to information site Pravo daz nam,²⁹ managed by Why Not (Zasto Ne) and Transparency International, which after one year has received only 54 requests.

Croatia

The public disclosure of the war veterans' registry is probably the most celebrated Western Balkan leak, attributed to the blogger Marko Rakar,³⁰ who was already known for the collaborative blog Pollitika and the electoral census tool which helped highlight manipulation of electoral lists. The publication of the registry not only touched one of the most sensitive communities, but somehow kick-started a new form of activism in the region, showing the power that technology gave to the average citizen. In 2011 another initiative was launched that included a budget calculator and the public procurement registry.³¹ This summer, it was comforting to read the decision by the Croatian Ministry of Finance to make public the list of tax debtors.³² However, the fact that judiciary and public administration accountability remain the weakest areas in the country is confirmed by an EU report which asked for "increased efforts" and mentions a need for "the strengthening of the rule of law through continued implementation of Croatia's commitments to further improve public administration, the justice system, [and] preventing and fighting corruption effectively."³³

Kosovo

As the youngest country in the region, which is still not recognised by all EU countries (including Serbia and Bosnia and Herzegovina), the path towards a transparent and accountable government is slower and more complex. In Kosovo, as in Bosnia and Herzegovina, nationalistic and ethnic rhetoric

are used as excuses to justify failure and a lack of transparency. After the euphoria of the declaration of independence, civil society is starting to question the "founding fathers" of the country and to demand accountability. A few initiatives in particular are leading the calls for transparency: Kallxo.com,³⁴ run by the Balkan Investigative Reporting Network (BIRN) and the Kosovo Anti-Corruption Agency, which was launched in 2008 and has collected 559 reports, out of which 204 are on corruption; and two media initiatives³⁵ managed by the Kosovo Centre for Investigative Journalism (KCIJ) together with the civil society organisation Çohu, which engage and criticise the authorities where necessary. Other examples include Transparency International Kosovo;³⁶ My Tender,³⁷ another Ushahidi map launched one month ago (10 cases have been registered); and My Vote,³⁸ which provides information on politicians and their work.

Macedonia

Several initiatives use similar online tools in Macedonia, such as Fiscal Monitor,³⁹ promoted by Forum-CSR, a local think tank, and the one-year-old campaign Report Corruption,⁴⁰ based on the Ushahidi platform and launched by Transparency International Macedonia together with the Centre for International Relations. The site reached 15,229 followers after 12 months, collected 199 relevant cases out of 227 reported, and has confirmed that many more are still under evaluation. The campaign combines web and mobile applications, including a number for telephone calls and an active Twitter account, #korupcijaMK.

Montenegro

Montenegro's history of corruption has strong roots, which is why it is called a "Mafia state". The country, as a result, has to overcome a lot of challenges. The local anti-corruption champion is MANS,⁴¹ a civil society organisation that upon its inception declared a zero tolerance for corruption and bribes – today MANS is *the* anti-corruption organisation in Montenegro. On its site, MANS uses the iPetitions tool,⁴² and has a repository of all access-to-information requests as well as answers from institutions,

26 www.popis.org.ba

27 zurnal.info/e-zbori

28 www.virtuelniparlament.ba

29 www.pravodaznam.ba

30 www.netokracija.com/registar-branitelj-marko-rakar-2709
popisbiraca.pollitika.com

31 vjetrenjaca.org; proracunskikalkulator.com and nabava.
vjetrenjaca.org

32 duznici.porezna-uprava.hr

33 eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0601:
FIN:EN:HTML

34 kallxo.com

35 levizjafol.org/al/monikorr and www.preportr.com

36 www.kdi-kosova.org

37 www.tenderi-im.org

38 www.votaimo.org

39 www.fiskalenmonitor.mk

40 www.prijavikorupcija.org

41 www.mans.co.me

42 www.ipetitions.com

and an interactive calendar for the parliament assembly, with links to documents and reports.

Serbia

In Serbia, Open Parliament⁴³ is a civic initiative launched by five organisations: the Centre for Research, Transparency and Accountability (CRTA);⁴⁴ SeConS,⁴⁵ a development initiative; YUCOM,⁴⁶ a lawyers committee for human rights from Belgrade; the National Coalition for Decentralization,⁴⁷ based in Nis; and the Zaječarska initiative,⁴⁸ from Zaječara. The platform, which follows the work of local and national elected officials, has collected and made available data from 1997 to 2011 and intends in this way to allow the active monitoring of parliamentary work. The CRTA is also behind another initiative called Follow the Money,⁴⁹ which provides information on public spending at the municipal level. Other interesting initiatives include Kontrolor.rs,⁵⁰ managed by the Network for Political Accountability (MPO), which monitors public expenditure; Zakon je naš,⁵¹ a website for public discussion on proposed laws; and initiatives by “Serbia on the Move” that focus on fighting corruption in the health sector (after the successful campaign “I do not accept bribes, I work for my salary” collected 10,000 signatures, they are launching the “Rate Your Doctor” campaign, which combines a website⁵² and a Twitter account, #kakavjedoktor). Since July 2012, Perun,⁵³ which encourages whistleblowers to report corruption and has involved Jakob Appelbaum from WikiLeaks and Arturo Filasto from GlobalLeaks, has been active. All reports go directly to Juzna Vesti,⁵⁴ a media outlet from south Serbia. Journalists then verify the reports and publish the information.

Regional initiative

Fiscal Monitor is a regional initiative that focuses on municipality budgeting and is implemented in three countries: in Bosnia and Herzegovina⁵⁵ by the Sarajevo School of Science and Technology (SSST), in Macedonia⁵⁶ by the NGO Forum-CSR, a local think

tank, and in Serbia.⁵⁷ An interesting site and also a useful resource for journalists and whistleblowers is the Balkanleaks initiative.⁵⁸ This also includes Bulgaria, and has a mission “to promote transparency and fight the nexus of organised crime and political corruption in the Balkan states.”

Conclusions

Throughout 2011 and 2012, national and regional events confirmed the interest and relevance of approaching accountability, transparency and corruption using social media, mapping platforms and other online tools. It is too early to evaluate the strength of all these initiatives. They can be the result of a favourable trend where several donors seem committed to push technological solutions into the advocacy arena, or the natural development of committed communities that have found in technology an ally that makes corruption visible and understandable for ordinary citizens. What we are witnessing is an increased aggregation of public budget expenditures, profiles of municipalities, and politician and party profiles uploaded and available to the public. However, the information is not always clear or accurate, and communication about the tools themselves fails most of the time, so they are only discovered by chance or solely of interest to the same groups who are already proactive citizens.

What is true is that all these initiatives, leads to informal forum discussions, institutional attempts to initiate some form of open data, and data visualisation attempts, represent different parts of the same mosaic. Institutions, under EU accession pressure, have to show their commitment and organise their data, and citizens and civil society are getting better and more organised in requesting information. What emerges is a local, national and regional inventory, which combines information, data and trends. So all in all, even if chaotic and incomplete, it is a good feeling to see some common paths emerging. Surely the inventory is only at its first stage, a 1.0 Beta version, which often offers expensive or inaccessible technical solutions (software choices such as Flash), or cannot be used by citizens due to their limited access (low broadband penetration) and, last but not least, has weak or ghost communities behind it. Platforms that forget to state their name and are about accountability do not inspire trust. When navigating them, what appears evident is the presence of a project team, but the lack of a community. Proprietary or open source,

43 otvoreni.parlament.rs

44 www.crt.rs/wp/sr

45 www.secons.net

46 www.yucom.org.rs/index.php

47 www.decentralizacija.org.rs

48 www.zainicijativa.org

49 www.pratipare.rs

50 www.kontrolor.rs

51 www.zakonenas.rs

52 www.kakavjedoktor.org

53 www.perun.rs

54 www.juznevesti.com/Istrazujemo/index.sr.html

55 www.fiskalnimonitor.ba

56 www.fiskalenmonitor.mk

57 www.fiskalnimonitor.rs

58 www.balkanleaks.eu

all these platforms need to engage people to be useful and to support mobilisation.

Technology platforms can be a great tool for international consensus seeking, but at the same time it is easier to produce an ad hoc platform for the duration of a project, then abandon it at the end of the project once funding has run dry, and complain about institutional and citizen passivity!

Action steps

- Provide real access to information (information feeds/long reports) establishing collaborations and synergies for visualisation of existing reports to reach out outside the formal civil society sector and to spread from the “netizen” community to ordinary citizens. To build an understanding and rejection of corruption we need continuity of reporting in a format that can be accessible to all. Headlines and timelines need to keep people informed, and information needs to be constantly posted on cases and laws.
 - Strengthen citizen transparency/accountability literacy. More and more sites are appearing
- that in one way or another use data visualisation to make information more understandable to the general public. There is a need to not only increase the flow of information but also to strengthen the ability of citizens to use this data. There is also a need for more presentations and events in the offline space, which will allow time for reflection, but moreover will help citizens to create action groups. Western Balkan citizens can be described as bystanders, with individuals and groups looking and staring at the issues without making a move. The point is not so much about “sparking a revolution” as generating a consciousness of rights and resistance.
- Index the good and the bad. Show the deadlocked judiciary and inefficiency/carelessness of public officers or the police. To bypass the collective responsibility syndrome, which covers up individual responsibility, it is necessary to give visibility to the entire cycle of corruption. This includes where the complaint starts, with the disempowering practices of officials who receive citizen complaints or fail to answer questions, all the way up to the judiciary. ■

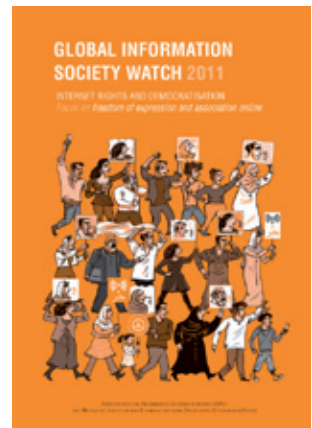
Reports



2011 - Special Edition 2



2011 - Special Edition 1



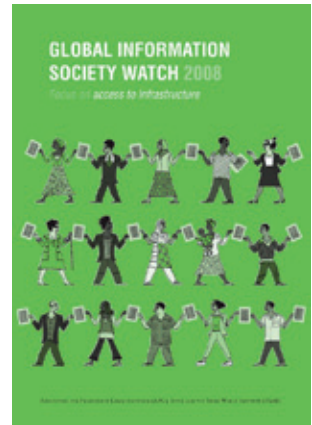
2011 - Internet rights and democratisation



2010 - ICTs and environmental sustainability



2009 - Access to online information and knowledge



2008 - Access to Infrastructure



2007 - Participation

THE INTERNET AND CORRUPTION

Transparency and accountability online

Corruption contributes to instability and poverty, and is a dominant factor driving fragile countries towards state failure. The internet is thought by many to support transparency and accountability in government decision-making processes. In many instances this is true – but can the internet enable corruption too?

GISWATCH 2012 explores how the internet is being used to ensure transparency and accountability, the challenges that civil society activists face in fighting corruption, and when the internet fails as an enabler of a transparent and fair society.

The nine thematic reports and over 50 country reports published ask provocative questions such as: Is a surveillance society necessarily a bad thing if it fights corruption? And how successful have e-government programmes been in fighting corruption? They explore options for activism by youth and musicians online, as well as the art of using visual evidence to expose delusions of power. By focusing on individual cases or stories of corruption, the country reports take a practical look at the role of the internet in combating corruption at all levels.

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