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## THE ROLE OF CIVIL SOCIETY

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Thinking in historic dimensions, civil society is a fairly new force on the global landscape. While community groups, churches and religious groups, the media or political interest groups have long played an important role on a local and national level, it is the more proactive involvement in global problems of non-governmental organisations which has only in recent decades transcended the national level. In the areas of development, the environment or human rights, NGOs have added a new dimension to traditional politics and have helped humankind to find new forms of addressing our global problems. Today, it is no longer contentious to say that without the active involvement of civil society we would live in a world ridden with much more violence and human rights abuses, burdened with greater social injustice and equipped with less sensitivity to the ecological problems we are facing.

What I just said is particularly true for strategies against corruption. We at Transparency International believe that the involvement of civil society is vital in the fight against corruption. A non-governmental organisation ourselves, we regard the mobilisation of civil society as crucial to achieving success. It is our philosophy, however, that for dealing with this overwhelming problem of corruption the best position for civil society is in a coalition consisting of three pillars: government, the private sector and civil society. All three partners have to be involved for the fight against corruption to be legitimate as well as effective and sustainable.

That co-operation is needed on all levels in our common quest to curb what we see as the “abuse of public power for private profit.” This was our working definition of corruption; lately, we prefer to talk about “abuse of entrusted power for private profit” to include in the definition private-private corruption. At an early stage in their collaboration, government, the private sector and civil society will have to come together to diagnose the problem, each sector bringing in its special experience and its own perspective. Learning from each other’s experience in that first phase will then help to define the problem and to see the underlying issues more sharply, which in turn will enable us to develop counter strategies. Finally, a joint approach is needed to effectively implement and monitor the concrete measures agreed upon to stem the tide of corruption – each sector needs the support of the others in this final phase.



It becomes clearer why this co-operation is so vital when one looks at the failure of those anti-corruption efforts which did not enjoy such broad support. As Frene Ginwala, the Speaker of the South African Parliament, has pointed out,<sup>1</sup> the majority of military coups in post-independence Africa were publicly justified by the need to fight corruption. But the anti-corruption battles that were then fought were commanded by the generals from above--they did not involve the rank-and-file soldiers and the supply battalions. As a result, most of these battles against corruption were lost, and often the commanding generals were simply replaced by another coup.

What is true for government, is just as true for the private sector. Even if there is strong dedication in the business community not to get involved in any acts of bribery, it will be extremely difficult, if not impossible, to hold on to these principles within a framework which does not reward honesty and competition. Nicely elaborated corporate codes of conduct will wither away in a climate where government is unaccountable and where the public decision-making process does not serve the public but has become a hostage of market forces of supply and demand – perhaps the most obvious example of a place where market forces should not reign.

And there can be no doubt that civil society would become engaged in a noble fight against windmills, if it attempted to confront corruption without involving those that set the very framework in which corruption can be fought – government – and those who have the strongest interest not to replace the competition of goods and services with a competition of corruption – the private sector.

To state what does *not* work does not automatically tell us what will work. Looking at the cases where unilateral action by just one sector failed does not by itself explain why the collaboration

of all three pillars, government, private sector and civil society is so vital for the fight against corruption to bear fruit. So why have the collaboration of all three? Would it not be sufficient if government and the private sector came up with an action plan against corruption themselves? Cannot the government introduce new laws, impose tougher sanctions and invent new control mechanisms all by itself and still fight corruption effectively?

To find answers to these questions, it is important to look at the underlying nature of all three sectors, to understand what specific contribution they can, and have to, make to overcome corrupt practices. The kind of input each of them can provide is intricately linked to the sources of legitimacy of each, with each source opening new dimensions.

It is commonly held that the legitimacy of governments is derived from the people. If government is accountable to democratic control, if it is bound by the rule of law and if it respects universally accepted standards of human rights, government can rightly claim to act on behalf of the people. It is this legitimacy which gives government the strength to undertake reforms to quell corruption that may reach far into people's lives. It is this legitimacy which makes government a strong and reliable partner and which enables it to set a framework better equipped to deal with corruption.

The legitimacy of civil society also rests with the people although it is differently structured. While many non-governmental organisations can claim a mandate to speak on global concerns and represent those interests unrepresented in the traditional political process, they are not accountable to direct democratic control. Often, these organisations are not even democratically structured internally. What legitimises them is a concern about issues that are not being dealt with adequately in both

<sup>1</sup> Ms. Ginwala made her remarks during a conference of the European Business Ethics Network (EBEN) in 1996.



the national and the international theatre, a concern about problems that often go beyond the limited reach of the nation-state. Also, many problems are simply ignored and neglected by governments or addressed in a fashion which does not take into account the legitimate interests of those affected by governmental action. And the legitimacy of not-for-profit organisations is further fostered simply because they are what they are: their concerns do not arise out of self-interest or profit-orientation but from people who care about the public interest, the well-being of both the local and the global community.

In contrast to the other two pillars, the business community can claim to be an essential partner in the fight against corruption on a somewhat different basis. One may begin with the good feeling that the one who earns the money, pays the bill, “makes the world go around”, after all, should not be left out. There is some truth to that. It is the private sector we all rely on as the very fabric of our market economy, and it is economic life which is a necessary condition for all social life that is built thereon. This does not mean to say that the private sector enjoys supremacy over the other spheres--it simply means that there is mutual dependence between the economic foundations of a society and the social structures it builds thereupon.

Having assessed the different sources of legitimacy of government, the private sector and civil society, one now has a better understanding of the input each of them can make to the battle we are all here to join.

What one should expect from *governments* is, above all, political leadership. A strong dedication to come to terms with corruption will mobilise society and, if genuine, can liberate resources no government could possibly muster. Governments will be expected to reform national and international integrity systems. It is they who can set the framework

of legal and economic rules which make it harder or easier to engage in bribery and extortion. It is governments which have to reform political systems marred by a lack of transparency, a lack of accountability. Both the private sector and civil society will have to help identify the problem areas, and, judging from their experience, can help to devise remedies.

The *private sector* also has a unique input to make. It is the engine of the economy, and no sustainable anti-corruption campaign can be fought against the corporate community. It is this sector's experience which has to be accounted for, its interests that need to be understood. Sound business has to be practised, not preached. The private sector thus is the testing ground for all anti-corruption models – no rules and regulations will check corruption if the gap between ethical standards and competitive forces is too wide to be bridged.

Following from this, *civil society* will increasingly have to become active where government does not reach and where the forces of the market leave us with unwanted results. It is conventional wisdom that the forces of the market are socially blind. They may produce untenable social inequality, even injustice, and, in the case of corruption, they may become overwhelming and destructive when they go unchecked by ethical standards and legally enforceable rules. When, to give an example, public construction contracts are in huge demand, while both internal and external control mechanisms are in poor supply, even strong ethical values may not be able to prevent corruption. It is possible that under such conditions appeals to ethical standards will fail to achieve their purpose – they may even prove counter-productive if perceived to be hypocritical or grossly mismatching reality.

To continue the same example: If one assumes that the number of construction licenses cannot be increased at will, then one would have to increase the supply of control mechanisms, say,



by providing greater transparency in public procurement or by opening the planning process to public scrutiny. It would be the natural role of civil society to convince the private sector that action is better than inaction and that corruption does not have to be accepted as a necessary evil. Civil society can help the private sector to understand that it is in its own interest to lobby government for greater openness. The mobilisation effort that will be required here is a strength of civil society one can count on.

Towards government, civil society will have to play the roles of critic, catalyst and advocate of those interests unrepresented or underrepresented. Where government fails – because it is too weak or because problems cannot be solved through central planning or from above – civil society comes in. It can mobilise the people and it is needed to reach the hearts and minds of ordinary citizens who may find it hard to believe that their governments are making a genuine effort to tackle corruption. And, above all, it is essential to raise public awareness, to awaken society to the disastrous effects of corruption and to get across the message that fighting it is possible.

Civil society also is a guarantor that the interests of those people governments claim to represent are not being neglected. It is the manifold groups making up civil society which can remind governments and ensure that corruption has to be fought in the interest of those that can least afford to defend themselves against its brutal attacks: the poor, the uneducated and illiterate, the unorganised and the weak. Finally, civil society is the watchdog, the whistleblower and the vanguard to warrant that government and – to a lesser extent – the private sector respect their borders.

No anti-corruption effort will succeed which infringes upon the most basic human rights, which, instead of reforming unaccountable and undemocratic systems, relies on mere repression

and prosecution. This would mean curing the symptoms, not the disease. Civil society will be needed to remind governments from time to time that it will simply not work for a country to organise conferences or anti-corruption campaigns or to kick out corrupt judges. If judges are fired, the independence of the judiciary is jeopardised, as is the freedom of the press when it is literally expelled from the country. In fact, it is the freedom of the press that is one of the most basic preconditions for a meaningful involvement of civil society against corruption.

Certainly, it will not be exclusively the role of civil society to remind government or the private sector of the proper role they should play to prevent and combat corruption. Each sector will have to help the others to come to respect the limits of its reach. If there is mutual respect and a true understanding of each other's role, corruption can be attacked with some success.

It may be questioned whether this principle of co-operation applies to all cultures. How valid is it to call for collaboration between government, civil society and private sector throughout the world and on a global scale? Would this imply belittling cultural differences – differences in values or differences in social development that undoubtedly exist? Are there regions where civil society might play a less prominent role? Are there societies which are not yet “mature” enough to join in the common cause to fight corruption as equal partners?

In an attempt to answer these questions it may be helpful to look at the underlying problem of corruption first. There is global agreement about its disastrous effects--the sheer number and diversity of people attending this very conference is ample testimony to that. Corruption occurs in every single society. Even in those countries perceived to be least affected by that disease the abuse of public power for private benefit is a constant threat. And as no society remains at that stage in its development where differences between public and private



are nonexistent, there also is no society which condones practices where this line is transgressed in an abusive manner – every country has laws against corruption and no culture exists where corruption is socially accepted behaviour.

However, causes of corruption differ from country to country. While a dysfunctional legal system may be the cause in one country, the transition from a hierarchical, traditional, rural society to today's global village may be the principal cause elsewhere. Also, what may be described as corruption, varies tremendously from country to country. This is particularly true for all questions connected with cultural peculiarities such as practices surrounding gifts, legitimate and illegitimate hospitality and the use of personal connections. The line between culturally and socially accepted behaviour on the one hand and nepotism and corruption on the other is difficult to draw and has to be defined differently in each society.

Civil society will indeed be needed everywhere; it is the key for access to that cultural diversity. Governments and the private sector will need the support and involvement of civil society everywhere to mobilise people, to link the reform measures and integrity systems with the interests and experience of local people. Also, just as it has proven to be impossible for government to take over the role of the private sector, it is difficult to imagine that any government could possibly take over the role of civil society and replace its inherent strengths and capabilities. More than everywhere else, this is particularly true for the fight against corruption.

To take you one step further along my line of argumentation, allow me to stress the consensus that I see emerging. Defining a consensus is one thing, however, while building on it is another. What we need then is not only agreement that the collaboration of government, the private sector and civil society is vital but

also some agreement on how that collaboration can be organised and structured.

This question has challenged Transparency International from its very inception. As an international non-governmental organisation we tried from the beginning to overcome the confrontational attitude that often prevailed between government and civil society, but frequently also between the private sector and civil society. One of the principles we thus adopted was that of coalition-building. Having reflected on the need for government, the private sector and civil society to join hands in the fight against corruption, I will not need to further explain why that principle was and is so very important to our work.

Another guiding principle is that of a non-partisan approach to combating corruption. It is frequently very hard to avoid that different strategies to tackle corruption are chosen along party lines. Political parties also have their role to play in the political process – they are needed to structure public opinion, to allow for the pursuit of different alternatives and to include different interests in the decision-making process. But our non-partisan approach is intended to ensure the full participation of the private sector and civil society as well. In order to undertake those far-reaching reforms that are often necessary to counter corruption, a broad consensus throughout all layers of society is needed – often such a broad consensus would be difficult if not impossible to build if political parties played a dominant role in that process. Also, in many societies corruption is an issue of such importance that it would not be wise to leave it to often short-sighted interests of political parties.

Transparency International also does not investigate or make public individual cases of corruption. This principle does not flow from a lack of investigative resources or from a fear of getting bogged down in the nitty-gritty details of just one particular case. Rather, on a more



general level, it mirrors the importance we give to the collaborative effort of government, the private sector and civil society. It would not be possible to convince the corporate community that we have a sincere interest to learn from their experience and to develop preventive mechanisms and incentives to refrain from corruption if at the same time we singled out individual companies and accused them for their misdeeds. Certainly, bribery is often conducted out of sheer greed. However, we know that on many occasions it is not just allegedly “immoral” or “evil” decisions that lead a company to fall prey to the trap of bribery – rather, it is real dilemmas many companies face when they attempt to do business in markets that are tainted by corruption. While the immoral perpetrator might be punished, this would make no sense with a company confronted with a serious dilemma. Co-operation rather than confrontation will lead the way here.

Our experience has also taught us that corruption has to be confronted where it arises. Sending outside “experts” to a country to give advice and prescribe off-the-shelf solutions will not have any lasting impact. Wherever our National Chapters are active, we thus try to encourage a national dialogue involving all sectors of society. As the problem of corruption has local roots everywhere it flourishes, it is locally, nationally where these roots have to be cut off. This is why Transparency International is working through its National Chapters because they are embedded in their national cultures. No outside expert will need to give its counsel to a national government; rather, governments should listen to their *own* citizens and their *own* business community. The answers on how to fight corruption will come from these groups.

While on a national level it is relatively easy to arrange an open dialogue between government, the private sector and civil society, this is a more complex task internationally. Yet, the linkages non-governmental organisations can

provide may be even more valuable here.

While governments are often bound in their communications by diplomatic cautiousness and hierarchical structures, NGOs can do this with much greater ease. Eventually, through direct lines of communications, they can also assist governments to overcome an impasse in communications and to find solutions that save everyone’s face. As one observer pointed out, many international NGOs have a wider worldwide web of contacts than many governments, and many combine greater skills and expertise and higher levels of professionalism in their particular domain than many governments can afford to invest in any one area.

It is in this context that NGOs (civil society in general) provide the global audience, the global constituency, the global think tanks that many observers feel are still missing. They can represent global causes where governments are still limited in their thinking to the categories of national borders. It is a highly commendable development that, in relation to corruption, many international governmental organisations have already begun to open the door to the participation of NGOs. Among these one has to mention the European Union, or the Organisation of American States which, in its InterAmerican Anti-Corruption Convention, explicitly calls for civil society involvement in the efforts to curb corruption. Also, the Organisation for Economic Co-operation and Development has specifically asked Transparency International to officially accompany the process of drafting an anti-corruption convention. By also including the private sector – through the International Chamber of Commerce – the OECD is perhaps the best example for the path-finding that is needed to involve governments, the private sector and civil society.

Concrete steps that the civil society can take in the fight against corruption have to be identified. It should be borne in mind, however, that it will not be “civil society” as such which



would act. Rather it will, at least initially, be small groups of civic-minded citizens who are hoping to make a difference. At first sight the tasks ahead of these groups seem intimidating. However, encouragement and inspiration can be drawn from the track record of Transparency International's National Chapters around the world. Their initiatives and programmes show very clearly that civil society, or rather its individual members, are not helpless and that there is no need to wait for governments to act.

While many of these programmes and activities will be the subject of lectures and workshops to come, I would like to mention a few cases where civil society has succeeded in facilitating a process in which it joined forces with government and the private sector. What these examples show is that civil society can have an impact in the area of raising public awareness as well as in lobbying for concrete change or in helping to initiate and carry out a process of reforming national integrity systems.

Particularly in the area of awareness-raising, National Chapters can draw on the strength they derive from belonging to an international movement of civic-minded people. It allows them to draw the attention of the public and politicians in their country, to emerging best practice in other parts of the world. It is indeed one of the potentially positive aspects of globalisation that each society can learn from experience elsewhere, and that the same mistakes need not be repeated over and over again. Transparency International has tried systematically to aid that process by publishing a source book which analyses the potential elements of a national integrity system and explains how all these elements function.

Civil society can also draw the public's

attention to the problem of corruption by triggering the healing effects of competitive forces. Fostering competition for best practice in corruption prevention and prosecution by making comparisons and scoring results between different government agencies, between different federal states, provinces and cities, is just one example of the role civil society can play vis-à-vis government. Similar efforts can be made to trigger competition between different corporate branches.

An ambitious way of collaboration between the three pillars of any meaningful anti-corruption system can also be seen in the model of Islands of Integrity, which has been developed by Transparency International. This model tries to bring together government agencies and private sector bidders in public procurement, with civil society groups monitoring the agreement. It calls for transparency in all payments made in the procurement process and ties tough legal sanctions to any attempt to influence the bidding-process through corruptive measures.

These activities just briefly mentioned show that the involvement of civil society in the fight against corruption is more than mere talk. In them the term civil society has found a new meaning. These initiatives also demonstrate that where the reach of governments is limited – where governments fail to act or are reluctant to take on new challenges – civil society stands ready to act. The connection between the state and civil society in the fight against corruption has to be filled with a concrete meaning. In light of what I said about involving the private sector as well, it is to be hoped that adding one plus one makes more than two.

