

The Role of Civil Society, Citizen Engagement and Nonviolent Action to
Combatting Corruption in the OSCE Region

Hearing on “Combating Corruption in the OSCE Region:
The Link between Security and Good Governance”

Testimony by Shaazka Beyerle¹

Thank you Chairman Cardin and Co-Chairman Smith for your leadership in drawing attention to the threats and injustice caused by corruption, in particular in OSCE participating States. It’s a deep honor to participate in this hearing and a pleasure to share with you conclusions and recommendations from new research on the positive role of citizens in impacting corruption, including in the OSCE region.²

Today the U.S. Congress will commemorate the 25th anniversary of the nonviolent Velvet Revolution and will honor the late Vaclav Havel by unveiling a bust of him in the Freedom Foyer. Since the sound of shaking keys rang through the air in Prague, citizens continue to fight and impact impunity. Over the past 17 years, around the world and in some OSCE countries, literally millions of people have wielded nonviolent power to gain freedom – freedom from corruption.

During this testimony, I will cover three points: (1) the role of citizens and civil society in the anti-corruption equation; (2) recommendations on how the U.S., EU and the OSCE can assist participating States to help create an enabling environment for civic anti-corruption initiatives; and (3) what the broader anti-corruption struggle in the OSCE region can learn from organized civic initiatives targeting graft and impunity. I hope that this brief overview will stimulate your interest and prompt questions.

The following testimony is based on an international, evidence-based, research project I conducted to identify, document and distill general lessons from organized, sustained civic initiatives wielding people power to fight graft and abuse, gain accountability and win rights and justice. It examined the skills, strategies, objectives and demands of such civic initiatives, rather than the phenomenon of corruption itself. The focus was on what civic actors and citizens - together exerting their collective power - did or are doing to curb corruption as they themselves define and experience it. Sixteen cases were documented and analyzed in-depth from among the following countries: Afghanistan, Bangladesh, Brazil, Egypt, Guatemala, India, Indonesia, Kenya, Mexico, Philippines, South Korea, Uganda, and the OSCE member countries, Bosnia and

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² My testimony is presented in a personal capacity. It does not reflect the views of the entities to which I am professionally affiliated.

Herzegovina, Italy, Russia, and Turkey. Please refer to the Appendix for a summary of the cases and their outcomes.

The good news is that citizens – organized in nonviolent campaigns, movements and community initiatives - are vital protagonists in combatting corruption. As importantly, these are homegrown efforts that do not involve huge financial outlays. Most don't seek financial support from external sources. It's the ingenuity, courage, resources, and voluntary participation of ordinary people that provide the foundation for action. They have achieved notable outcomes, for example in the OSCE region:

- Resignation of Nedžad Branković, the Prime Minister of the Federation of Bosnia and Herzegovina halfway through his term (2009);
- Over 1000 businesses to date publicly refusing to pay extortion money to the Cosa Nostra mafia in Palermo, Italy (ongoing);
- Judicial investigations, trials and verdicts to undermine the links between the state, organized crime, elements of the police, gladios (paramilitary groups linked to state security institutions), and parts of the private sector in Turkey (1997);
- Targeting corruption and impunity in Russia to prevent the bisection of an old-growth, state-protected woodland outside Moscow for a large highway and illegal development involving the French firm, Vinci (ongoing).

For your information, the latter Movement to Defend Khimki Forest in Russia is employing both nonviolent action and legal measures. The European Bank for Reconstruction and Development (EBRD) and the European Investment Bank (EIB) pulled out of the project. In June 2013, Sherpa, the French human rights lawyers' group, along with other European NGOs, filed a formal complaint of corruption against Vinci with the Paris Prosecutor. In October 2013, the Prosecutor announced the opening of a preliminary enquiry into financial crimes. While it's not possible at this juncture to know the outcome, as a result of this movement, earlier this year most of the forest has not been destroyed (1700 hectares out of 2000 hectares) and felling came to a standstill.

And recently in Hungary - thousands mobilized against a corrupt, increasingly authoritarian government and an internet tax designed to thwart the free flow of information.

During my research, I asked some civic actors what they needed from external actors. Here are a few of their replies. First, *the international community (of course including the U.S., EU and OSCE) should look beyond formal NGOs and pay attention to civil society organizations and informal civic groups* leading nonviolent campaigns and movements against corruption. They have valuable input about top-down efforts to combat corruption as well as insights about what is actually happening on the ground. On a positive note, Evgenia Chirikova, the leader of the Movement to Defend Khimki Forest, has testified before the U.S. Congress and European Parliament.

Second, *be open to engaging with civil society and homegrown movements and campaigns in capital cities and diplomatic missions on the ground* (when such contact is sought by them). Grass-roots civil society leaders can be included in government-sponsored international forums and received in capitals, while embassies and missions can genuinely interact with them.³ For example, the Czech Ministry of Foreign Affairs created the “Transformation Policy Unit” to “enable embassies to support democratization, human rights and transition-related projects in countries with repressive regimes.”⁴

Third, civic anti-corruption actors implore the international community to *provide protection and solidarity (when they request it)*. Threats and repression are the norm rather than the exception. Moreover, there are wider strategic benefits to international attention and condemnation of crackdowns. Protecting civic actors can potentially empower many more citizens. Solidarity can make repression backfire. It thwarts corruptors’ objectives to paralyze civic dissent; create public fear, despair and apathy; prevent unity among anti-corruption networks and organizations; and obstruct alliances with other nonviolent struggles, for example, for democracy, gender equality, minority rights, and land rights.

Based on my research, allow me to also offer these additional recommendations. Some are not new, but reinforce good practices already under way. *In cases where civil society initiatives seek external funding, provide donor support for self-organization and capacity-building in the civic realm* that supports home-grown approaches and taps pre-existing social networks and relationships. The worst thing international actors can do is throw large sums of money at homegrown, grass-roots civic initiatives and encourage their institutionalization into formal, conventional NGOs. What can be of help in some circumstances are flexible, small grants that enable experimentation, pilot efforts, an expansion of outreach and activities, and peer-to-peer learning exchanges among civil society actors in-country and across borders.

When it is wanted, provide solidarity, legal and technical support, and access to information that civil society may not be able to acquire in-country. Information is often a critical asset for anti-corruption civic initiatives. For example, attention from global personalities, as well as legal measures and beneficial ownership investigations carried out by international civil society organizations were invaluable for the Movement to Defend Khimki Forest.

Amplify civil society voices through various outlets. For instance, where in-country civic entities investigating corruption are blocked from the media, and provide support for alternative modes of communication, such as online civil society information and news outlets, satellite television

³ Two excellent resources for such engagement are:

A Diplomat’s Handbook for Democracy Development Support, 2nd e (Washington, DC: Council for a Community of Democracies, 2010)

Veronique Dudoquet and Howard Clark, *Nonviolent Civic Action in Support of Human Rights and Democracy* (Brussels: Directorate-General for External Policies, Policy Department, European Parliament, May 2009).

⁴ *A Diplomat’s Handbook for Democracy Development Support*, 29.

programming, and multi-lingual international outlets such as Radio Free Europe/Radio Liberty and Deutsche Welle. I understand there is hope for a bill to revamp RFE/RL that cleared the House of Representatives and is now in the Senate.

Recognize that top-down multilateral instruments (including the United Nations Convention Against Corruption) and democratic mechanisms in third-party countries can both directly and indirectly support civil society movements and campaigns targeting corruption and impunity. For example, the Paris Prosecutor investigation of Vinci, hearings in legislative bodies such as the one today and others in the European Parliament, and decisions taken by multilateral institutions (including the European Investment Bank and European Bank for Reconstruction and Development) can disrupt and expose corruption targeted by grass-roots civic initiatives, protect civil society, and undermine malfeasance.

Target global financial corruption. Legislative and institutional measures to curb illicit financial transactions, money laundering and the conversion of ill-gotten gains into legitimate businesses and luxury properties can disrupt the overall system of corruption that civil society is combatting in OSCE participating States. Voices from civil society herald the Magnitsky Act. They call for the Act's application to be rigorous and wish it would be extended both in terms of scope and countries. I'd like to thank you, Senator Cardin, and also Senator John McCain, for your efforts to extend the law's reach through the Global Magnitsky Human Rights Accountability Act. I was present in the hall when Sergei Magnitsky's mother, Natalia, received the 2011 Transparency International Integrity Award, given to her son posthumously. I'll never forget the sorrow etched in her face, in spite of her composure and dignity.

In conclusion, allow me to summarize what we can learn from grass-roots, civil society campaigns and movements impacting corruption. First, *citizens can add extra-institutional pressure to push for change – when powerholders are corrupt and/or unaccountable and institutional channels are blocked or ineffective.* Traditional top-down approaches were based on a flawed assumption that once anti-corruption structures are put in place, illicit practices will change. Those who are benefitting from corruption are expected to be the ones to curb it. This helps us to understand why, in spite of so many top-down efforts, success is often elusive. Even when political will exists, it can be thwarted, because too many people inside the corrupt system have a stake in the crooked status quo.

Second, *we can learn new strategies from citizen engagement and action that go beyond the traditional carrot versus stick approach.* Graft and abuse function in systems. They are not simply a collection of random dishonest transactions.⁵ I found that citizen movements and

⁵ My preferred definition of corruption is: a system of abuse of entrusted power for private, collective, or political gain – often involving a complex, intertwined set of relationships, some obvious, others hidden, with established vested interests, that can operate vertically within an institution or horizontally cut across political, economic and social spheres in a society or transnationally. This systemic definition was developed by the author, who wishes to credit for inspiration, points made by Maria Gonzalez de Asis, World Bank, in an unpublished, working paper.

campaigns developed strategies and actions that: (1) disrupted systems of corruption (2) empowered and protected reformers and integrity champions inside the state who inevitably faced corrupt, often hostile, vested interests; (3) empowered honest individuals caught in venal systems to say no, that is, to avoid engaging in corruption. At the same time, these civil society initiatives often pursued longer-term goals of changing behaviors, practices and general norms regarding corruption.

Third, *top-down and bottom-up approaches are complementary (not mutually exclusive)*. Both are needed and together, they create synergies. Citizen engagement and action can:

- Empower and protect honest powerholders and integrity champions pursuing accountability, reform and change from within the system;
- Empower and protect honest state officials caught in a system of corruption to refuse to go along with it, i.e., noncooperation with corruption;
- Create political will to enact policies, laws and administrative mechanisms to curb illicit financial flows and/or to implement them;
- Contribute to changing behaviors, practices and general norms regarding corruption and, potentially, illicit financial flows.

Fourth, *citizens do not fight corruption in the abstract*. Rather, it's linked to widely-shared grievances and venal practices that produce collective outrage or harm regular people in their everyday lives. Fifth, *citizen action targeting corruption is most often found in societies enduring poor governance, poverty, low levels of literacy, and severe repression, the latter perpetrated by the state, paramilitary groups, or organized crime*. This finding, corroborated by research from the nonviolent resistance, democracy and development realms, overturns the misconception that citizen engagement is dependent on various conditions, such as civil liberties, a functioning democracy, relatively sound levels of social and economic development, political space for dissent, etc.

In conclusion, I'd like to honor the leaders, organizers and regular citizens who are combatting corruption in spite of intimidation and repression. They prove that while corruption brings out the worst in people, fighting it can bring out the best. Thank you, Chairman Cardin and Co-Chairman Smith.

APPENDIX: CASE STUDY DESCRIPTIONS AND OUTCOME HIGHLIGHTS⁶

Afghanistan: Integrity Watch Afghanistan is empowering villagers in community monitoring of internationally and domestically funded projects, in order to curb corruption and improve reconstruction and development. By 2013, 400 civic initiatives had been conducted in seven provinces. In approximately one-third of the cases, problems were found and solved as a result of community pressure. In another third of the cases either project implementers were cooperative to resolve problems or none were found. Among the final cases, there was no “success” in that irregularities weren’t discovered during the monitoring, site access was blocked to citizens, or the communities weren’t sufficiently mobilized.

Bangladesh: The “Social Movement against Corruption,” launched in 2009 by Transparency International-Bangladesh in 34 districts, empowered citizens to hold public officials accountable for health, education and local government services through citizen committees, youth groups and a variety of nonviolent actions, such as information tables outside targeted hospitals and volunteer monitoring of their services, cleanliness, and medical staff attendance.

Bosnia and Herzegovina: *Dosta!* (Enough!), a nonviolent, youth movement, promotes accountability and government responsibility to citizens, and seeks to foster civic participation across religious and ethnic groups in the country. In 2009 it launched a digital and on-the-ground campaign that pressured Prime Minister Branković to resign over his acquisition of an upscale, state-owned apartment through a series of administrative maneuvers, for approximately EUR 500. He left office a year and a half before his term was over.

Brazil: The Movement against Electoral Corruption coalition (MCCE) collected 1.6 million signatures to introduce the *Ficha Limpa* (Clean Slate/Record) legislation to the Brazilian Congress, which would prohibit candidates from taking office if they have been convicted of specific crimes by more than one judge (misuse of public funds, drug trafficking, rape, murder or racism). Following a sustained campaign of street actions, and later, digital civil resistance coordinated by avaaz.org, the bill was passed both in the Chamber of Deputies and the Senate. It subsequently was approved by then-president Luis Ignazio da Silva in June, 2010, and in February 2012, the Supreme Court ruled that *Ficha Limpa* was constitutional and would be enforced.

Egypt: The women-led watchdog and anti-corruption movement, *shayfeen.com* (“we see you”), launched in 2005, and its sister movement, Egyptians Against Corruption, initiated in 2006, cumulatively put corruption into the domain of public discourse and sparked a nonviolent campaign for judicial independence. They fostered citizen participation, monitored

⁶ The achievements of these nonviolent civic initiatives cannot be adequately encapsulated in a few sentences per case study. This table presents very brief highlights of their outcomes. In-depth information about 12 of the cases can be found in my book, “Curtailling Corruption: People Power for Accountability and Justice” (Lynne Rienner 2014).

the government, broadcast election fraud in real time via the internet, and proved their nonviolent activities were valid under the UNCAC. Thousands of citizens expressed dissent against the corrupt regime of Hosni Mubarak through low-risk mass actions and supported integrity champions within the state through a satellite broadcast award where the public voted for anti-corruption heroes.

Guatemala: A local citizen's movement emerged in Santa Lucia Cotzumalguapa, after the cessation of the civil war in 1996. Over the years it has fought to recover the community from drug lords and organized crime, foster social and economic development, provide youth recreation, and challenge the climate of impunity by exposing electoral fraud, supporting honest candidates in local elections, and monitoring criminal activities as well as the activities and spending of powerholders. It maintained resilience in the face of violent repression. Human rights activists expanded the struggle to the international arena, garnering on-the-ground solidarity from external actors.

India: 5th Pillar is social movement with long-term transformative goals to change the culture of corruption in the country. In the short-run, it targets bribery with innovative low-risk actions such as passing out "anti-corruption" Zero-Rupee Notes in public places, conducting Right to Information workshops, petitioning, holding citizen anti-bribery pledges, and leafleting queues outside state offices. Since 2007, over 2.5 million Zero-Rupee Notes have been distributed, and it has received numerous reports of success. It conducts outreach to rural populations, is building voluntary, student-led chapters in higher education institutions across Tamil Nadu state, is engaging the business community, and is experimenting with a local television talk show.

Indonesia: The 2009 CICA (Love Indonesia Love Anti-Corruption Commission) campaign mobilized well over a million citizens around the country, digitally and on-the-ground, to defend the Corruption Eradication Commission (KPK) and two falsely imprisoned deputy commissioners. As a result, the officials were released, President Susilo Bambang Yudhoyono established an independent fact-finding team, and Deputy Attorney General Abdul Hakim Ritonga and Police Chief Detective Susno Duadji later resigned. The latter official subsequently testified that the police force had a special team designed to target senior KPK officials.

Italy: *Addiopizzo* (Good-bye Protection Money) is a youth anti-mafia movement in Palermo that empowers businesses to publicly refuse to pay pizzo, educates schoolchildren about integrity, and mobilizes citizens to resist the Cosa Nostra crime group through simple, everyday acts, such as patronizing pizzo-free stores and businesses (reverse boycott). By 2012, 1,000 businesses joined the pizzo-free network, a new civic group, *Libero Futuro* (Future with Freedom), was formed by the older generation of anti-mafia advocates to complement the youth movement. The latter encourages and helps businesses go through *denuncia*, the denunciation process of testifying to the police and courts about mafia extortion.

Kenya: MUHURI (Muslims for Human Rights) is empowering communities to conduct comprehensive social audits of constituency development funds and projects, in order to fight poverty and curb misuse of these resources. Within three years, comprehensive citizen-led social audits were conducted in 10 constituencies. Corruption was uncovered and problems were addressed by the authorities. In 2010, the civic organization made a strategic decision to empower others by training CSOs and citizens to launch their own social audits. It also developed a new “mini-social audit” in which citizens monitor a single development project in their community, rather than multiple projects throughout their respective constituency.

Mexico: DHP* (Dejemos de Hacernos Pendejos/Let’s quit being an ass/Quit playing dumb) is an emerging civic movement that seeks to alter public apathy, foster civic responsibility, and win accountability, using humor (evident from their name), street actions, stunts, and social networking. In 2009, through digital resistance and on-the-ground actions such as a signature drive, it wielded pressure on incoming members of XLI Legislature to stop giving themselves a tax refund on their Christmas bonuses. It also launched the *Diputómetro*, an interactive digital monitoring platform about legislative activities that is maintained by volunteers, mostly university students.

Philippines: In 2003, a consortium (CSOs, local community groups, the Public Services Labor Independent Confederation/PSLINK) coordinated by the G-Watch program at the Ateneo School of Government, launched a nation-wide campaign in cooperation with the Department of Education to stamp out corruption in the production and delivery of school books. The Textbook Count/Textbook Walk campaign annually mobilized about one million boy and girl scouts to count books. Between 2003 and 2008, textbook prices were reduced by 50%, the procurement process was shortened from 24 to 12 months, and ghost deliveries ceased.

Russia: The Movement to Defend Khimki Forest is targeting corruption and impunity, and is employing both nonviolent action and legal efforts to prevent the bisection of an old-growth, state-protected woodland outside Moscow for a large highway and illegal development involving the French firm, Vinci. The European Bank for Reconstruction and Development (EBRD) and the European Investment Bank (EIB) pulled out of the project. In 2010, then President Dmitry Medvedev temporarily suspended the project. In June 2013, Sherpa, the French human rights lawyers’ group, along with other European NGOs, filed a formal complaint of corruption against Vinci with the Paris Prosecutor. In October 2013, the Prosecutor announced the opening of a preliminary enquiry into financial crimes.

South Korea: A coalition of 1104 civic networks and groups launched the “Civil Action for the General Election 2000” (CAGE 2000) campaign to tackle political corruption. It identified malfeasant and ineligible candidates in the general election and pushed for their defeat through a blacklist based on publicly-documented assessments of all initial nominees and final candidates in the National Assembly elections. They held street rallies, petitions, phone and email

campaigns, and launched youth websites that included celebrity endorsements. Sixty-nine percent of blacklisted candidates (59 out of 86) lost the elections.

Turkey: In 1997, the six-week “One Minute of Darkness for Constant Light” campaign pressured powerholders to tackle the crime syndicate, which refers to a nation-wide network of politicians, parts of the police, paramilitary groups linked to state security institutions, mafia and private sector. Through low-risk mass actions based on turning off lights for one minute every evening at 9:00 p.m., approximately 30 million people mobilized around the country. In the midst of an unanticipated military intervention, it shook up a convoluted system of impunity and corruption. It broke the taboo of exposing the country’s crime syndicate, and succeeded in pressuring powerholders to take specific measures, such as trials of some mafia leaders, security forces, and business people.

Uganda: The NAFODU (National Foundation for Democracy and Human Rights in Uganda)-Police-Community Partnership Forum initiated a community-monitoring mobilization that targeted local police intimidation and extortion. Marginalized people exposed police graft through radio call-ins and SMS texts, while efforts were made to win elements of law enforcement towards the community, for example, through local integrity trainings. Over the course of one year, organizers reported a change in police behavior, based on citizen input during the weekly radio shows, SMS monitoring, and direct communications with NAFODU’s district offices. Towards the end of the civic initiative, officers asked for the help of NAFODU and citizens to help overcome the problems they faced within the institution.