

WORKING PAPER

**NON-GOVERNMENTAL ORGANISATIONS (NGOs)
COMBATING CORRUPTION: THEORY AND
PRACTICE**

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NON-GOVERNMENTAL ORGANISATIONS (NGOs)

COMBATING CORRUPTION: THEORY AND PRACTICE

Indira Carr¹ & Opi Outhwaite²

INTRODUCTION

Corruption, in its many guises, is a global phenomenon to be contended with in the context of commerce, politics and day to day life. And in some countries, according to Transparency International (TI),³ it has become deeply embedded in the very fabric of society. The international community consisting of lending institutions such as the World Bank and inter-governmental institutions such as the United Nations (UN), the African Union (AU) and the Organisation for Economic Co-operation and Development (OECD) have sought to combat the problem of corruption through a variety of mechanisms ranging from tying loans to conditions⁴ that require the

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³ TI is an NGO devoted to the anti-corruption drive. With its international secretariat in Berlin and many chapters in both the developed and developing countries TI is well known for its Corruption Perceptions Index, National Integrity Surveys and the Bribe Payers Index. It also publishes a Global Corruption Report every year. For more information on TI and its many publications visit <http://www.transparency.org>.

⁴ Also known as conditionalities they are commonly used by other national donor agencies such as SIDA (Swedish International Development Agency), and DFID (Department for International Development) besides the World Bank. There are a number of instances where these agencies have stopped loans mid-way if the borrower state has not met the conditions. For instance, in 2006 Denmark cut US\$3.16 million in aid to Tanzania because of the slow pace of the Anti-Corruption Bill. Denmark's envoy, Mr Carsten Pedersen, is reported as having said "[f]rom my perspective it is a contract which has been broken. If Tanzania met this target, they would get the money." (see Obulutsa, G. 'Denmark Cuts Tanzania Aid over Graft Law Delay' Reuters Dec 19, 2006). For further on conditionalities see Polak, J (1997) 'The World Bank and the IMF : A Changing Relationship' Kapur, D, Lewis, J P and Webb, R (eds) *The World Bank: Its First Half Century* Vol 2 Washington DC: Brookings Institution. It is debatable however whether such measures have 'actually resulted' in a reduction of corruption since the structures are imposed by external sources and there is a lack of ownership of the reforms within the borrower state leading to claims that fighting corruption in

borrower (donee) state to adopt better governance mechanisms and pass anti-corruption laws to international treaties and soft law. Of the treaties, the United Nations Convention against Corruption, 2005 (UNCAC) and the OECD Convention against the Bribery of Foreign Public Officials in International Business Transactions, 1997 (Anti-Bribery Convention) are the most well-known, and of the soft law instruments the UN Global Compact (UNGC)⁵ and the OECD Guidelines for Multinational Enterprises 2000 (OECD Guidelines)⁶ which focus on reducing corruption from the supply side by recommending that companies do not engage in corrupt practices when engaging in business transactions.⁷ Besides states and businesses, NGOs and civil society are also seen as central to the gargantuan task of fighting corruption. The UNCAC, the only international anti-corruption convention,⁸ in its Art 13(1) states that:

Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based

developing countries is yet another neo-colonial adventure (see De Maria, W (2005) 'The New War on African "Corruption": Just Another Neo-Colonial Adventure" paper presented at the 4th International Critical Management Studies Conference, Cambridge University, 4-7 July 2005, p.5.)

⁵ The UNGC provides a platform for companies to commit to its ten universal principles which cover human rights, labour, environment, and corruption. For further information on UNGC and Global Compact networks see www.unglobalcompact.org.

⁶ The OECD Guidelines cover all areas of business ethics. Chapter VI of the Guidelines focuses on combating bribery and its coverage is wider than that of the OECD Anti-Bribery Convention. It includes within it aspects that help in combating corruption such as enhancing transparency, promoting employee awareness of company policies in respect of bribery and compliance with company policies, and adoption of suitable management control systems, and accounting and auditing practices that prevent the use of 'off the books' or secret accounts. Illegal contributions to political parties or candidates seeking public office are also prohibited and there is a requirement that contributions, where made, comply with public disclosure requirements and are reported to senior management. The OECD Guidelines are actively promoted and monitored through a National Contact Point (NCP) in the adhering state which collaborates with the business community, employee organisations and other interested parties such as NGOs. The text of the OECD Guidelines is available at <http://www.oecd.org>.

⁷ According to the TI Bribe Payers Index businesses from emerging economies such as China and India are highly prone to engage in corrupt practices. This does not mean that businesses from OECD countries are not prone to engaging in corrupt practices. The recent scandals surrounding allegations of bribes by BAE illustrates this well.

⁸ Some may disagree with the statement that the UNCAC is the only international convention since the OECD, whose membership is made up of developed nations, sees its Anti-Bribery Convention as an international convention, since it regards the Convention as a free standing instrument and therefore open to all states. A number of non-member states such as Argentina, Brazil and Chile took part in the negotiations and are signatories to the Convention. For any non-member state to accede to the Convention it has to become a full participant in the OECD Working Group on Bribery. In order to become a full participant the state must adhere to the 1997 Revised Recommendations of the Council on Combating Bribery in International Business Transactions. Given that these conditions have to be met by the non-member state it is questionable whether the OECD Convention is of the same international character as the UNCAC.

organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption.

Regional anti-corruption conventions are also not far behind. For instance, the African Union Convention on Preventing and Combating (AUCPCC) in a similar vein in its Art 12 provides that States Parties work with civil society at large to popularise the AUCPCC, ensure and provide for the participation of civil society in the monitoring process and consult civil society in the Convention's implementation.⁹

This expectation of NGOs¹⁰ in the global anti-corruption effort is understandable since their successes in key areas such as environment, healthcare, and human rights through the use of various strategies including grassroots organization, robust advocacy and active lobbying are well known. The strategies that NGOs adopt vary, dependant on the causes promoted and the local conditions, and range from the confrontational to the collaborative. Collaboration, conducted through interactions, dialogues and partnerships, seems to be a widely adopted technique in moving companies to include within their business plans corporate social responsibility (CSR) policies and issues related to sustainable development.¹¹ The move towards collaboration is a recent development and may be a consequence of the UNGC which

⁹ Other anti-corruption conventions also refer to the use of civil society and NGOs as part of the preventive strategy. The OAS (Organisation of American States) Inter-American Convention Against Corruption 1996 (available at <http://www.oas.org/juridico/english/treaties/b-58.html>) expects States Parties to consider 'mechanisms to encourage participation by civil society and nongovernmental organisation in efforts to prevent corruption' in Art IV(11). Similarly, the Southern African Development Community (SADC) Protocol Against Corruption 2001 (available at <http://www.sadc.int>) require State Parties to adopt mechanisms to encourage participation by the media, civil society and non-governmental organization in efforts to prevent corruption in Art 5(1)(j).

¹⁰ The phrase 'non-governmental organisation' was first coined in Art 71 Ch X of Chapter 10 of the United Nations Charter when the UN was established in 1945. The UN saw a consultative role for organisations that were neither governments nor member states (<http://www.un.org/en/documents/charter/chapter10.shtml> accessed 23 December 2010). Since then there is a proliferation of NGOs at all levels, local, national and international. NGOs receive funding from a variety of sources which include international organisations, businesses and governmental authorities and provide a variety of services ranging from advocacy, advice on development issues and awareness raising to humanitarian assistance and influencing policies locally and globally. Many international NGOs have played and continue to play important roles globally in raising environmental standards, recognition of women's rights and human rights and promoting good governance. The recent explosion in communications methods as a result of the Internet has also contributed greatly to effective NGO campaigns at the grassroots level. According to the UN there are well over 6000 recognised international NGOs.

¹¹ However, it is not always the case that collaborative strategy is used for influencing company policies. Confrontational strategies that affect the reputation of a company are also effective in bringing about changes. See for instance van Huijstee, M & Glasbergen, P (2010) 'NGOs Moving Business: An Analysis of Contrasting Strategies' 49 (4) *Business and Society* 592.

sees a future in partnership between companies, NGOs and international institutions.¹² Whilst the anti-corruption conventions expect NGOs to play an important role in combating corruption there are as yet no surveys,¹³ to our knowledge, on the strategies adopted by the various NGOs in respect of the anti-corruption drive or the nature of their interaction with other stakeholders such as the public, businesses and the state and their contribution to policy-making and the drafting of codes of conduct. In order to address this gap the authors used a postal questionnaire to provide, as part of a larger project on corruption in international business,¹⁴ an insight into the ways in which NGOs operate, both with respect to their strategies and stakeholder engagement and their views on the various anti-corruption regulatory approaches.

This article, the main aim of which is to provide the findings of the survey, consists of three sections. Section I briefly discusses the conceptual differences between civil society and NGOs, the different forms of NGOs and the roles envisaged for them in relation to anti-corruption by the various anti-corruption toolkits in order to provide a backdrop for the survey. Section II provides the survey results. Section III concludes with a discussion and suggestions for future research.

I. NON-GOVERMENTAL ORGANISATIONS

I. 1 Features and Roles

Before examining the different roles of NGOs in combating corruption it is important to establish the features of NGOs. While NGOs are often seen as being distinct from

¹² Utting, for instance, notes that

[t]he confrontational politics of earlier decades, which had pitted a pro-regulation and redistributive lobby against TNCs [Transnational Corporations], lost momentum as governments, business and multilateral organisations alike, as well as increasing number of NGOs, embraced ideas of ‘partnership’ and ‘co-regulation’ in which different actors or stakeholders would work together to find ways of minimising the environmental and social costs of economic growth and modernisations.

Utting, P (2000) ‘Business Responsibility for Sustainable Development’ Occasional paper No 2, Geneva: UNRISD at p. 6.

However Utting notes that the UN overtures to TNCs were for funding purposes.

¹³ The Anti-Corruption Toolkits (see I. 2 below) provide a number of case studies as illustrations of how a particular NGO may have raised public awareness or conducted research through an anti-corruption survey of the public but these cases are not sufficient indicators of the roles of the NGOs in their anti-corruption work.

¹⁴ Further details on this project can be accessed at <http://www.surrey.ac.uk/corruption> .

civil society some tend to conflate NGOs with civil society. The conflation may perhaps be due to their engagement at the grassroots level. This divergence in approach is also reflected in the anti-corruption conventions. For instance, UNCAC in Art 13 makes specific references to NGOs and civil society whilst the AUCPCC in its Art 12 simply uses the phrase ‘civil society’ and fails to draw any further distinctions.¹⁵ The AUCPCC approach is perhaps justifiable to some extent since in common parlance no rigid distinction is drawn between NGOs and civil society due to the value creating aspects of NGOs and their objectives of advancing causes of relevance or of interest to particular groups or humanity at large. And in this they are no different from civil society¹⁶ which is comprised of individuals or groups or associations of individuals who have come together with common aims, be it in their own interests (e.g. protection against religious discrimination, better pensions) or in the interest of others (public interest) or specific issues (e.g. protection of human rights, sustainable development, protection of wildlife). While the voices from such associations of individuals may coincide with those of NGOs¹⁷ such as Amnesty International, World Wildlife Fund and Oxfam the latter however are formal in structure and may also be motivated by political or religious ideologies.

There is no minimum size requirement for NGOs and they come in various sizes from the small and medium to the large and in geographical location terms distributed locally, nationally or internationally. However, the larger the NGO, management structures assume a complexity that is comparable to those of companies. However, unlike companies NGOs are non-profit organisations and are dependent largely on receiving funds from a variety of sources including international inter-governmental organisations, businesses, donor agencies, philanthropists, governments and individual donations. NGOs are known for their reliance on volunteers and this is widely evidenced, for instance, in the running of charity shops or the distribution of

¹⁵ The OAS Inter-American Convention Against Corruption and the SADC Protocol Against Corruption also distinguish between civil society and non-governmental organisations.

¹⁶ A useful definition of civil society is provided by Brown *et al* who define it as ‘an area of association and action independent of the state and the market in which citizens can organise to pursue purposes that are important to them individually and collectively’ (Brown, L D, Khagram, S, Moore, M H , and Frumkin, P (2000) ‘Globalization, NGOs and Multisectoral Relations’ in Nye, J S and Donahue, J D (eds) *Governance in a Globalizing World* Washington DC; Brookings Institution Press at p, 275.

¹⁷ Some writers also refer to CSO (Civil Society Organisation). For the purposes of this paper we do not draw any distinction between NGOs and CSOs.

humanitarian relief. But it is not uncommon for NGOs to employ professionals, such as fund raisers, public relations officers, research officers and chief executive officers to manage and direct their operations and handle their budgets.

While there is no commonly agreed definition of NGOs, a point made by Vakil who sees the lack of a definition as hindering the understanding of the functioning of NGOs,¹⁸ a workable definition is provided by the UN that sets out some of their key characteristics as follows:

[A]ny non-profit, voluntary citizens' group which is organised on a local, national or international level. Task-oriented and driven by people with a common interest NGOs perform a variety of services and humanitarian functions, bring citizens' concerns to Governments, monitor policies and encourage political participation at the community level. They provide analysis and expertise, serve as early warning mechanisms and help monitor and implement international agreement. Some are organised around specific issues, such as human rights, the environment or health.¹⁹

These key characteristics are also reflected in the useful classification of NGOs drawn by Parker. According to this classification NGOs can be distinguished into three types: the operational NGO (ONGO), the advocacy NGO (ANGO) and the hybrid NGO (HNGO).²⁰ The ONGOs are perhaps the oldest form of NGOs, the prime example being the Red Cross providing necessary services at critical times such as humanitarian disasters and conflict situations. Parker compares ONGOs to multinational corporations in having expert knowledge on how to enter countries, knowledge of cultures and conditions on the ground and manage huge financial budgets and monitor the activities. ONGOs are also apolitical. ANGOs, on the other hand, are driven by politics and ideologies (such as democratic participation, freedom of speech and poverty reduction) and use confrontational techniques by writing scathing reports about a state's record on human rights, the conduct of multinational corporations, and exploitation of the labour force that help in canvassing support

¹⁸ Vakil, A C (1997) 'Confronting the Classification Problem: Toward a Taxonomy of NGOs' 25(12) *World Development* 2057.

¹⁹ United Nations 'What is an NGO?' available at <http://www.un.org/dpi/ngosection/criteria.asp>, accessed 23 December 2010.

²⁰ Parker, A R (2003) 'Prospects for NGO Collaboration with Multinational Enterprises'; in Doh, J P and Teegen, H (eds) *Globalization and NGOs: Transforming Business, Government, and Society* Westport CT: Praeger Books.

across communities to enable policy changes. They, by and large, take the moral high ground aiming to bring about change through tighter regulation, enforcement and changes in practices within institutions by naming and shaming them. The HNGOs are a hybrid form exhibiting characteristics of both ONGOs and ANGOs but ‘they adopt a high degree of sophistication ... with respect to MNEs [multinational enterprises] ... They recognise the vast range of possibilities and diversity among MNEs and tend to hold fairly sophisticated perspectives on the complexities associated with NGO-MNE relations’.²¹

The above suggests that the strategies utilised by HNGOs are context dependant and influenced by the changes sought, the measures most likely to make an impact based on a firm and mature understanding of local culture and conditions and the available resources, financial and otherwise, at their disposal and their own expertise.

Whilst the anti-corruption conventions see a role for NGOs in the prevention of and the fight against corruption and in raising public awareness they do not provide further details on how these tasks can be carried out to achieve maximum impact. This reluctance to specify the particulars is understandable since there is no uniformity amongst NGOs in aspects such as size, the geographic areas they cover, their knowledge of conditions on the ground, their level of expertise and more importantly the level of freedom and the kind of activities allowed in the country of operation. So methods and means that might work in one country may not in another where the operations of an NGO are heavily curtailed by the local regulations, lack of resources and other factors.

1.2 Anti-Corruption Toolkits

Despite the silence in the anti-corruption conventions a number of anti-corruption toolkits and resources from which the kind of activities that a NGO can meaningfully engage in the fight against corruption have been drafted by international institutions

²¹ Ibid. pp 87-8. Parker gives Oxfam as an example of a hybrid NGO which provides humanitarian services by also playing an advocacy role which is greatly tempered according to the circumstances thus exhibiting maturity and sophistications of approach. Oxfam America adopted a ‘name and shame’ approach reporting about Pfizer’s drugs pricing policy for HIV/AIDS drugs in the developing world but adopted a ‘name and praise’ approach when acknowledging Starbucks for using Fair Trade coffee. Since there is a close relationship about what is said about a MNC and its reputation they tend to take such reports seriously.

and NGOs. Three anti-corruption toolkits, *UN Anti-Corruption Toolkit* (UN Toolkit),²² *TI Corruption Fighters' Toolkit* (TI Toolkit)²³ and Richard Holloway's *NGO Corruption Fighters' Resource Book*²⁴ (Resource Book) are examined in brief here in order to list the kinds of activities they promote so as to establish the extent to which the NGOs surveyed by the authors utilised these activities. But before listing the activities envisaged by these toolkits it must be pointed that there are some divergences between the toolkits, a consequence of their intended aims and scope. The UN Toolkit drafted by the UNODC is as its foreword states 'intended to provide a range of options that will enable each country to assemble an integrated strategy that will be as effective as possible in meeting its own needs'. It is meant to be comprehensive and does not focus solely on what NGOs can do though the roles that NGOs and civil society can assume figure in the tool kit. The TI Toolkit, on the other hand, is a collection of experiences of NGOs from a number of countries in Europe, South America, Asia and the Middle East, the purpose being to foster discussion and inspire individuals and NGOs fighting corruption. The Resource Book, as the title suggests, is directed at NGOs with the focus being monitoring and advocacy by NGOs and how these can be utilized in the context of anti-corruption activities. Regardless of these differences, there is some degree of convergence in activities/roles that NGOs can assume to combat corruption. For ease of discussion these activities are broadly grouped into (a) raising awareness, (b) stakeholder engagement, (c) research, and (d) advocacy and monitoring. However it must be noted that an activity included under one heading may also impact upon and relate to activities under another heading. For instance, research in the form of surveys is likely to impact on advocacy and monitoring may impact on raising awareness of anti-corruption issues. Therefore the groupings and the activities within the groupings should not be seen as distinct and unrelated.

Raising Awareness

Raising awareness is regarded a core activity in the UN Toolkit since awareness of the incidence and consequences of corruption is likely to contribute to preventing and

²² 2004, 3rd edition, Vienna: UNODC.

²³ 2002, Berlin: TI.

²⁴ Available at http://www.impactalliance.org/ev_en.php?ID=12430_201&ID2=DO_TOPIC (accessed 13 December 2010).

reducing corruption.²⁵ A number of questions however arise in relation to this activity ranging from ‘who should raise the awareness?’ and ‘what aspects of corruption should be included for the purposes of raising awareness?’ to ‘how should this awareness be communicated?’ and ‘who is the target audience?’

The UN Toolkit sees awareness raising as an activity to be carried out widely, while mindful that strategies across states will be subject to local conditions. The full range of stakeholders, the state, the public sector institutions, enforcement, the private sectors, individuals, politicians and civil society and NGOS are expected to play a role in this activity. In practice, it may be that the NGOs may emerge as effective in raising awareness externally whilst the public sector may be more effective in raising awareness internally with the public sector institutions. The dynamics will no doubt be determined by conditions on the ground.

As for the content the UN Toolkit expects information on all aspects of corruption to be disseminated. This means information on the ill effects of corruption, of anti-corruption laws and codes of conduct, on protection of those who provide information, and about institutions where reports and complaints can be lodged for further information.

A variety of methods for dissemination of information are suggested ranging from the modern to the traditional, from the Internet to pamphlets, radio, films and cartoons. The TI Toolkit includes case studies of both the use of the traditional and the modern methods of circulating information. *Transparência Brasil* used the radio for broadcasting anti-corruption messages in Sao Paulo while the Ecuadorian NGO *Corporación Latinoamericana para el Desarrollo* used the Internet to provide information about the process of public procurement²⁶ to the public.

²⁵ See UNODC (2004) *UN Anti-Corruption Toolkit* 3rd ed. Vienna: UNODC pp 120 – 121.

²⁶ Public procurement contracts provide ample opportunities for business to engage in bribery and anti-competitive practices. The OECD has worked extensively to combat corruption in the public procurement sector. It has produced various documents highlighting the methods and practices ranging from bribery and collusive tendering (bid rigging) to bribery adopted by actors in a public procurement context. (OECD (2007) *Bribery in Public Procurement: Methods, Actors and Counter-Measures* Paris: OECD; OECD (2007) *Integrity in Public Procurement: Good Practice from A to Z* Paris: OECD). In October 2008 the OECD published its *Guidelines for Fighting Bid Rigging in Public Procurement*, and also adopted the Recommendation of the Council on Enhancing Integrity in Public Procurement (available at <http://www.oecd.org>). The latter offers guidance to policymakers, sub-national governments and state-owned enterprises to enhance the public procurement processes by

The parameters drawn by the UN Toolkit in respect of the target audience is wide to include the general public, the NGOs, the private sector including small and medium enterprises, the public sector including the judiciary, enforcement agencies and public procurement agencies, and the politicians and parliamentarians.²⁷

Whilst the government itself has the possibility of engaging with the wider public through anti-corruption campaigns, NGOs are in a particularly advantageous position in spreading the anti-corruption messages due to the highly successful results they have achieved in other contexts such as human rights, environmental issues and humanitarian assistance. NGOs, as the Resource Book notes, are trusted actors globally. Coupled with their monitoring activities and participation in NGO networks they can also provide information on recent developments on prosecutions thus contributing further to raising awareness in the public.

Stakeholder Engagement

The action plan for fighting corruption, according to the UN Toolkit, must be inclusive in its approach. This is to ensure broad based consultation amongst all stakeholders ranging from politicians and government to the private sector, civil society and NGOs to make possible consensual policy making and meaningful engagement with anti-corruption issues by imparting ‘ownership’ in tackling the issues. ‘Ownership’ for the UN Toolkit is an underlying concept since it will instill support for the adopted anti-corruption strategies. But, more importantly, the UN Toolkit also sees new links between different stakeholder groups as a means of strengthening the anti-corruption efforts and campaigns thus seeming to forge collaboration rather than confrontation to guide anti-corruption drive. The links envisaged include participation of NGOs on various state steered policy committees, and links between business organisations and NGOs resulting in codes of conduct and elements of good business practices. Links between different stakeholder groups

adopting best practices such as transparency and accountability. The Recommendation also expects member states to disseminate the principles to non-member economies. In April 2009 the OECD published its Principles for Integrity in Public Procurement (available at <http://www.oecd.org>) which promote good governance in the entire procurement cycle.

²⁷ See UNODC (2004) *op. cit.* chapter V.

are also expected to contribute to network related activities such as the exchange of information about successful strategies, research and future directions for improvement.²⁸

Research

The importance of research is emphasized throughout the UN Toolkit. Research is seen as a core contributor to the adoption and improvement of anti-corruption strategies since it provides valuable insight not only into the impact of the anti-corruption measures but also provides information about specific areas, such as the effectiveness of legislation, the impact of the public awareness programme on mass mobilization, the effectiveness of stakeholder engagement, capacity building and impact of anti-corruption codes of conduct on the behaviour of businesses. NGOs, state organizations, international institutions and academics are all seen as important actors in this area.

Advocacy²⁹ and Monitoring³⁰

Both advocacy through activities such as community meetings, campaigning and informal dialogues and monitoring by NGOs of institutions in both the public and

²⁸ Ibid.

²⁹ Advocacy is defined as ‘ a tool that identifies blockages to good governance practice in laws, policies, practices, and behaviour, that identifies points of leverage, identifies power relations and clarifies what is winnable with the resources of those advocating. Advocacy is defined by its ability to cause change, and is a tool that clarifies the specific changes needed, identifies possible coalitions of diverse actors on a commonly felt issue, increases popular education, harnesses popular opinion and builds popular support for an issue. It can pragmatically identify the activities that can succeed in causing change and manage their execution, keep issues alive, and encourage reflection on what works and what doesn’t work so that iterative efforts can be made to finally effect change. Advocacy is fed by information that comes from monitoring, and is implemented by a competent and well managed organisation’ (<http://www.advocacy.org>).

³⁰ Monitoring is defined as ‘the close observation of situations or an individual case carried out so as to determine what further action needs to be taken. The following elements constitute monitoring:

- (a) It is carried over a long period of time
- (b) It involves collecting or receiving as much data as possible
- (c) Close observation of the situation, usually through constant or periodic examination or investigation of documentation of developments
- (d) Standards or norms are used as reference in objectively assessing the situation or case in question, especially in determining what is wrong with it
- (e) Tools or instruments are used in identifying how the situation compares with established standards or norms
- (f) The product of monitoring is usually a report about the situation
- (g) The product embodies an assessment of the situation which provides a basis for further action.’

Guzman, M and Verstappen, B (2003) *What is Monitoring?* Versoix: HURIDOCS.

private sector and of the implementation of reforms are regarded as important anti-corruption tools by the UN Toolkit. The Resource Book usefully delineates the ways in which NGOs can carry out their advocacy and monitoring activities seen as devices that make significant contributions to improvements ranging from the initiation of anti-corruption policies to better accountability systems within the public and private sector. Monitoring and advocacy are interlinked, as the Resource Book states, since monitoring of the public and the private sectors exposes abuses and mismanagement as well as good management that can be usefully fed into awareness raising (national and internationally) and inducing policy changes at the advocacy level.

II. SURVEY OF NGOS – THE FINDINGS

As indicated by the Toolkits examined in brief in Section I.2 above NGOs are regarded as having the potential to play a significant role in combating corruption by engaging in activities such as awareness raising, playing a collaborative role with various stakeholders and participation in the development of anti-corruption policies in both the private sector and public sectors. They are also expected to engage in monitoring and advocacy activities.

The findings derived from questionnaires completed by participating NGOs shed further light on the impact of anti-corruption strategies and provide an insight into the ways in which NGOs operate, both with respect to the strategies adopted and the stakeholders with whom they interact. It should be noted that questions relating to the activities and stakeholders with whom organisations were engaged applied generally, rather than specifically to corruption, except where indicated. These data are useful however in understanding the position of NGOs and in some cases can be usefully compared and contrasted with data regarding their anti-corruption work specifically.

Twenty three NGOs, 14% of the sample population,³¹ completed the questionnaires. This response rate is low but the locations of the NGOs, some of which operated in developing and transition economies, may have contributed to this low response. The largest number of responses came from Europe (6) and North America (5). The remaining came from NGOs located in developing countries (see Table 1).³² The large majority of organisations indicated that they operate at the national and international levels, with slightly fewer than half operating at the local and regional levels (Table 2). Those operating at the local level were based in Canada, USA (25% of US based respondents), Azerbaijan, South Africa, and Nigeria.

II. 1 Strategies and Activities

The data does not indicate, overall, that NGOs are involved more in one particular type of work than in others³³ but some activities are highlighted as being adopted by particularly high numbers of respondents and certain types of work seem to be more prevalent than others. Involvement with coalitions and other networking and linking opportunities is frequent among respondents. A substantial number undertook work jointly with other organisations, particularly international NGOs, and around half worked jointly with international organisations and with national NGOs. Large numbers of respondents were involved with networking and collaboration activities again, particularly with other NGOs; however, involvement with multi-stakeholder coalitions was not as frequent but still relatively common (see Figures 1 – 5).

With respect to those activities listed as policy work, almost all respondents (96%) reported publishing papers.³⁴ A substantial number reported making proposals for policy/law reform. Other activities focusing on government and domestic developments were also adopted, namely involvement in the negotiation or

³¹ The identification of relevant NGOs was complex, inevitably raising questions of interpretation of the term ‘NGO’ and the extent to which given organisations were relevant. Organisations undertaking work directly related to corruption were of course included as were some organisations working in the broader field of CSR, particularly where this related to development or governance. Various searches were carried out for the purpose of identifying these organisations and the final list included 162 organisations which, it was felt, would have an appropriate level of awareness of the relevant issues and would be in a position to provide meaningful inputs. Purely academic organisations and ‘think-tanks’ were excluded on this basis. The list included organisations with a range of characteristics such as organisation size and level of operation, geographic location, and action and work types.

³² Three respondents however did not indicate where their Head Offices were located.

³³ Based on our classification of activities.

³⁴ These could have included pamphlets beside reports and papers.

development of business policies or codes, consultations with ministers/government bodies and involvement with negotiations/development of national law/policy. However, work on public sector codes was less common, perhaps indicating that more formal or higher level developments are sought (Figure 6, see also Figure 7 and Stakeholder Engagement below).

Involvement in the negotiation or development of business policies or codes was prevalent though a slightly lower number were involved with the development of industry/sector specific codes. Although involvement on the development of various types of code is less common than the publication of papers it is a relatively common means by which NGOs try to achieve change, in addition to influencing domestic government policy or legislation.

Campaigning is part of advocacy as indicated in the Toolkits. In relation to campaigning activities, the large majority of NGOs focused on a small number of activities while a smaller number of NGOs were involved in a wider spectrum of activities (see Figures 8 and 9). The more collaborative or information based activities, attendance at meetings/workshop and joining/developing coalitions, were more common but those related to direct action were adopted in only a few instances. Lobbying of domestic government seemed to be a popular means of campaigning undertaken by around half of respondents indicating a focus on influencing and developing domestic policy. This is also reflected by the extent to which other stakeholders, who are not in a similar policy making position, were targeted. SMEs (Small medium enterprises) and embassies were targeted only in a small number of cases (13% and 17% respectively) whilst around one quarter lobbied industry associations and 30% lobbied MNCs (Multi National Corporations).

International organisations were lobbied by 48% of the respondents but activities in this regard are mixed. Fewer than half of respondents were involved with the development of regional or international instruments in the context of policy work. Although campaigning activities were often targeted at the international level (77%), this does not necessarily assume involvement with international organisations and NGOs sometimes appeared to play a limited role at this and at regional levels (Table

3). Given the attention which has been given to NGO influence and involvement at the international level, not only in the field of corruption but in other fields, it is in some ways surprising that more respondents have not been involved in activities or interactions of this sort.

The majority of organisations undertook research and monitoring activities in some capacity (Figure 10). NGOs are more likely to be involved with their own research than with playing a more direct role in monitoring. They may, in some instances, play a role in developing monitoring or compliance tools but are less likely to be involved in their application. Despite the preference for working with links, networks and coalitions, NGOs are also relatively unlikely to undertake monitoring activities of this nature on behalf of others. This is particularly relevant in the case of corruption (as well as other aspects of CSR) since NGOs have sometimes been assumed or envisaged as playing a role in monitoring and in that sense providing an alternative regulatory strategy which may be of particular relevance in the case of MNCs. These findings however suggest that while this work is undertaken – more so in the case of the public sector - it is less common than more policy focused work and activities which are not based on potentially adversarial relationships with business.

Awareness Raising

A large number of respondents were engaged with some type of awareness raising. This was done largely through the use of modern technology though publication of policy briefings and research reports were used (Figures 11 – 13). The use of outreach and direct communication activities was more limited. In many respects this may be a positive indication since the use of media such as the Internet has the potential to increase the audience as well as accessibility of NGO outputs. These types of communication may be the most pertinent for key stakeholder groups such as businesses, government and other NGOs. However, given that a substantial number of the NGOs were based in developing countries there may be room for strengthening, especially in relation to anti-corruption work, the outreach to the wider public so that public pressure for combating corruption can be increased. It may therefore be

important to ensure that other communication methods are used for the purposes of awareness raising.

Capacity Building

Engagement with capacity building activities was in many cases more limited than other aspects of work (overall) and in particular, NGOs tended not to target the general public in this regard (though in some instances the nature of the activities would make this inappropriate or irrelevant) (Table 4). Targeting other NGOs primarily, as well as businesses and government agencies to a lesser extent, respondents were involved more often in activities involving the provision of advice or guidance. As with other areas of work, they were less likely to be involved with activities related to enforcement or with more direct means of interaction such as the use of citizen report cards, anonymous reporting mechanisms and working with community leaders.

Overall, the survey suggests that respondents engaged in a wide range of activities but their focus is often on information-sharing, networking and on communication in a restricted sense. They are less likely to be involved with direct action, campaigning or outreach. In some regards this is both positive and to be expected since involvement in coalitions and collaborative arrangements may help these organisations to increase the impact of their work and efforts to engage with businesses and to achieve policy changes necessary to help ensure that business and regulatory environments are responsive to anti-corruption goals. On the other hand, NGOs may, in some instances, be missing opportunities to increase their impact. Whilst direct or action based campaigning is perhaps less common than it once was, the limited involvement with activities such as monitoring and lobbying in the case of businesses may reduce the direct pressure which relevant stakeholders feel. Similarly, communication strategies and opportunities for direct engagement with stakeholders are limited in many instances and this might reduce the likelihood of gaining public understanding and support. Consequently, activities which press for changes in the domestic policy and legislative environment as well as internally within business organisations may be strong but broader levels of support and understanding may be

more limited and both business and the general public may not recognise – in the case of corruption for instance – why or how a response should be made.

II. 2 NGO Stakeholder Engagement

Businesses

The data from the survey makes possible some interesting observations. The survey questionnaire asked the respondents to indicate the type of stakeholder they engaged with and type of engagement they were involved in. Whilst there is evidence to say that the NGOs engaged with a wide range of stakeholders and their engagement was in the form of collaboration with or targeting the stakeholder for the purposes of campaigning or awareness raising the data indicate that a significant focus of NGOs is business (understood as MNCs) . Sixty five percent of the responding NGOs indicated that they work with or target MNCs. While this figure seems healthy further questions on the kinds of engagement indicated that collaborative work or work undertaken by NGOs on behalf of businesses was low (see Figures 1, 2 and 14). A large number of NGOs were involved with the development of business codes/policies and a similar majority indicated that they seek to influence businesses (Figures 6-7).

The result for other specific activities seems somewhat more limited. Campaigning activities were rarely targeted at businesses and a limited number targeted awareness raising or education activities at businesses. NGOs appeared slightly more likely to undertake capacity building activities in relation to businesses, particularly production of guidelines and provision of advice/recommendations and similar activities. These data indicate that NGOs prefer to, or at least, in practice, respond to business stakeholders in a more advisory or facilitative capacity, rather than through direct action, education or campaigning. In instances in which NGO undertook listed capacity building activities (generally fewer than half of all cases) businesses were less likely to be the subjects than other NGOs or domestic government in several instances.

In some respects these findings are unsurprising and may reflect changes to the NGO sector overall, which have seen their role develop in this way as a result of

developments such as the UNGC with its emphasis on collaboration. NGOs were not often engaged in compliance or performance monitoring and the extent of their role as ‘watchdogs’ or in monitoring business activities is therefore questionable.

The above comments on the level of influence and engagement with businesses refer to MNCs specifically. Similar engagement with SMEs (Small Medium Enterprises) is more limited. Although NGOs do report working with businesses, increased engagement with SMEs might help to strengthen activities and strategies in the case of corruption. The number of relevant business organisations is of course higher than for MNCs but these stakeholders may also be less likely to participate in other types of anti-corruption initiatives (for instance, international developments) or to adopt internal practices, due to their limited capacity in terms of size and resources.

NGOs

Although a number of respondents did work with or target businesses, in many instances NGOs worked primarily with other NGOs and also identified them as particularly influential. National and international NGOs were some of the stakeholders which respondents were most likely to work with – 78% (18 cases) reported doing so (Figure 14) and over half reported undertaking joint work with these stakeholder groups. NGOs were more often involved with coalitions with other NGOs than in multi-stakeholder coalitions and capacity building activities were often most likely to be applied to other NGOs and respondents sought to influence other NGOs to a greater extent than they did stakeholders such as the general public and SMEs. Similarly, awareness raising activities based on networking or provision of information were aimed principally at other NGOs. This strongly suggests that collaboration and strong networks within the NGOs sector are considered important and respondents directed substantial effort in pursuing these activities, in comparison with their interactions with some of the other stakeholders.

Government

Domestic governments were clearly important and were targeted more often than businesses in several cases. A large number of respondents worked with domestic

government agencies. There are differences, however, in the ways in which NGOs interact with governments compared with businesses.

Policy work was most frequently aimed at domestic governments (Figure 7). With respect to activities classified as policy work, they were less likely to be involved with the development of public sector codes than with business or industry codes but the majority were also involved in consultations with ministers, in negotiations on development of national law and policy and in making proposals for such reform (Figure 6). NGOs were more likely to be involved with lobbying government than with lobbying businesses (and other groups) and were more likely to play a monitoring role with respect to public policies (Figure 10). Although 41% of NGOs reported collaborating with government enforcement agencies (Figure 5) they were less likely to undertake work jointly with government agencies. In respect of capacity building, NGO involvement with government agencies tended to be less in comparison to other involvement with NGOs and in some cases with businesses but NGOs were particularly likely in this case to target recommendations or guidelines at government agencies (as well as to provide training). These findings suggest that while NGOs pursue a more collaborative or advisory relationship with businesses, they tend to adopt a more 'traditional' role in the case of government, focusing on achieving policy changes on this basis.

International Organisations

International organisations are seen to be influential on responding NGOs. Respondents were most likely to work with or target this group – 83% (19 cases) reported doing so (Figure 14) and again, respondents particularly seek to influence this stakeholder group. They are, however, less likely to be involved in negotiation or development of international instruments (compared with most other aspects of policy work). After governments, NGOs were most likely to lobby international organisations but half of NGOs worked jointly with such organisations. This may represent something of a division of approach among respondents though this is not clear cut; of the 12 NGOs who reported working jointly with international organisations, 4 directed lobbying activities at them and 8 did not. Of those not

working jointly with international organisations, 7 directed lobbying activities at them and 4 did not.

Other listed activities (capacity building, awareness raising etc) did not relate to interaction with international organisations but it can be seen that they are considered influential, although the ways of responding to this level of influence may vary. This may reflect the complex nature of the roles of these organisations. It is possible that international organisations may in some cases provide funding to NGOs or may invite their participation or involvement. In other cases international organisations represent the identified problem or campaign issue at the highest level and NGOs may respond by lobbying and through other activities which seek to influence policy development. As suggested above, this may be leading to diverse responses from NGOs though the data on this point is insufficient to draw further conclusions. In either case it is important to be aware of the responses of NGOs since this information (along with further insights) can be used to plan future collaboration or alternative approaches at this level.

The General Public and Further Stakeholder Groups

It may be observed that there is relatively strong interaction between (responding) NGOs and key stakeholder groups and the approach and activities adopted vary according to the group. Strong networking and collaboration appears relevant in the case of NGOs; with respect to government efforts focus more on policy and legal developments; and in the case of businesses a more advisory and collaborative relationship is often pursued. This is important with respect to anti-corruption efforts specifically since, as noted elsewhere, this type of involvement and engagement has been assumed or prioritised in certain instruments and strategies, particularly those built upon CSR principles. However, other aspects of the data indicate that there may be areas which, if not weaknesses, might be strengthened, in this case for the specific purpose of meeting anti-corruption objectives.

Although a large majority of NGOs reported working with the general public, the data suggests that the extent of this engagement is in fact limited. Respondents sought to influence the general public in little over half of cases; as noted they were more likely

to seek to influence other NGOs as well as groups such as domestic government and MNCs. Few NGOs were involved with direct involvement with the public through campaigning activities such as mobilization and protests, or through outreach work. Awareness raising and capacity building activities were much less likely to focus on the public (and on stakeholders such as community representatives and schools) than on businesses, government or other NGOs. Although these stakeholders may not be perceived as so relevant with respect to 'grand' corruption or may not have influence at the same level as international organisations and businesses, ensuring that sufficient efforts are made to work with the general public are essential. In the context of corruption specifically, these stakeholders may play an indirect role in combating corruption, through demanding businesses to act with integrity and indicating this preference through consumer or voting choices, or may play a direct role as participants in corrupt transactions. Sensitisation and communication with these stakeholders are therefore necessary to ensure that the anti-corruption message as well as information regarding, for instance, business corruption, the availability of reporting mechanisms and best practices are conveyed.

In addition, NGOs do not often work with or target stakeholders who may be important with respect to business activities and relations. In particular, few organisations worked with auditors or accountants, though these stakeholders have been recognised as playing an important or potentially important role in combating corruption in international business (see also on CSR and Anti-corruption II.3 below).

II. 3. Engagement with CSR and Anti-corruption Work

The above observations relate principally to the general activities of NGOs. As well as providing information on the overall nature of relevant NGOs' work this can usefully be supplemented and contrasted with specific data on the ways in which responding NGOs engage with CSR and corruption specifically.

Sixty two percent of respondents actively supported or promoted CSR (Figure 15). This is clearly a majority though it can equally be seen that not all respondents have

incorporated CSR into their programmes and therefore those that do undertake anti-corruption work might not focus on CSR initiatives.

The stakeholders considered to have the greatest positive impact, in terms of making an improvement in CSR, were NGOs at all levels, local, national, and international, followed by international organisations and journalists and the media. Despite their relatively prominent role through linkages and funding arrangements, donor agencies, government agencies (domestic and foreign) and academic institutions are reported to have more limited influence, by comparison, in this field. The least influential stakeholders were identified as political parties, insurance companies, schools, scientists/engineers, and accountants. Auditors were also relatively un-influential while activists, the general public and local interest groups were more influential (Figure 16). The data indicates that some of the stakeholders who play a more significant role in NGO activities, either collaboratively or as the subjects of activities, in fact are not regarded as the most relevant in terms of CSR. By contrast, stakeholders less frequently targeted, such as the general public, are perceived to be relatively important. As noted, CSR is not relevant to all stakeholders and other aspects of the data indicate that respondents will interact with different types of stakeholders to a greater or lesser extent and this will surely impact upon their views in this case. Nevertheless this does suggest a possible mismatch between the stakeholders which have influence on NGOs or are influenced by NGOs and those considered to have the greatest impact in terms of CSR.

With respect to corruption specifically it is interesting that some stakeholders who might be considered highly relevant, such as the banking profession, auditors, and accountants, are not considered to be particularly influential.

In fact, more NGOs identified having policies, programmes or activities in place that related to corruption than actively supported CSR (Figures 15 and 17). As would be expected, following the sampling strategy, a large majority were involved with this type of work. Although in overall terms businesses were not always the most frequently targeted organisations, with respect to corruption, the private sector was

more commonly the focus of NGO efforts than the public or voluntary sectors.³⁵ (See Table 5).

NGOs not undertaking activities related to corruption did so for a variety of reasons but the responses received did not indicate a unifying, underlying reason. Reasons given were diverse: one organisation focused on ethics more broadly and considered that there were other organizations better equipped to address corruption; another considered that the importance of corruption as a development issue was overstated; whilst a third did not find the focusing on formally 'corrupt' activities useful since it considered some 'legal' operations to be also harmful. Geographical locations also seemed to play a role in deciding the focus on corruption in specific.

As part of corruption specific work a range of stakeholders were targeted (see Fig 18). Most frequently targeted were national NGOs, collective activists, local NGOs, international NGOs, international organizations, MNCs, foreign and domestic government agencies and donor agencies. The general public and SMEs were also frequently targeted. The least targeted were embassies, insurance companies, and religious organizations, followed by schools, scientists/engineers and the banking profession. Auditors, accountants and political parties were also infrequently targeted.

The data highlights further differences between the activities and influences recognised by NGOs more broadly, the relevance of stakeholders with respect to CSR and the focus of NGOs in relation to their anti-corruption work. Given however the nature of the subject and that the voluntary sector was rarely the focus of anti-corruption work, it is in some respects surprising that NGOs are identified as the stakeholders most frequently targeted in this case. Clearly NGOs are recognised as being particularly important in this area. Some of the other stakeholders relevant to corruption seem however to be again overlooked, particularly auditors and accountants, indicating once more that the scope of engagement between NGOs and other stakeholders may limit the outcomes in terms of combating corruption, in some

³⁵ The small number of NGOs who undertake anti-corruption work applied to the voluntary sector also raises questions about the extent to which corruption is prevalent and is addressed within this sector, though this figure may also be influenced by the sample population which did not specifically seek out organisations focusing on such work.

cases. In other respects the data appears encouraging; the general public and SMEs are more frequently targeted than in the general course of respondents' work, although the data on specific aspects of work does still suggest some limitations in this respect (given that the large majority report undertaking anti-corruption work and targeting this at the public and SMEs the figures for engagement with these stakeholders in general do appear to be low).

Responding to an open-ended question, organisations reported a variety of approaches and activities as the focus of their anti-corruption work. Several organisations note as a *caveat* that they are new, suggesting a possible time issue as far as the activities of NGOs combating corruption are concerned. Several are involved with efforts focused on accountability, on whistleblowers and access to information and or on litigation. Some focus on specific sectors – natural resources, construction, and engineering – or on the public sector. Some are involved in development of tools or policy advice sometimes with business/member participation. Again, there is no unifying approach or strategy in this case and NGOs often approach the issue of corruption in the context of other issues.

The main positive outcomes associated with this work are also varied as are the identified strengths of anticorruption instruments. Responses related to limitations tend to deal with matters related to lack of political will, capacity of NGOs and a lack of public support for the anti-corruption agenda, as well as other specific issues.

II. 4 Views on Sources and Regulatory Approaches

In addition to understanding the nature and scope of specific and general aspects of the work of these NGOs it is important to also consider their views on regulatory influences and anti-corruption instruments since these will be of direct relevance where NGOs seek to influence the development of new initiatives or play a role (directly or indirectly) in their implementation.

Perhaps unsurprisingly, there is in several instances a link between the nature of the responding organisation and its views on the influence of stakeholders and regulatory sources in the context of corruption.³⁶

Overall, respondents considered NGOs/pressure groups to have the most impact in terms of assisting in combating corruption (Figure 19). International law, national laws, and protection of the corporate reputation are also considered highly influential. The demands of employees, shareholders and consumers/clients are some of the influences considered to have had the least impact in this regard and perceived economic benefits and stock exchange requirements are viewed as similarly un-influential. There again appears to be some disparities between the views reported in this instance and those reported in other aspects of the data, or between respondents' perceptions and their actions. International law, for instance, is seen as the most influential source yet activities related to influencing the negotiation of international instruments are low. One issue here may be accessibility and opportunities for participation at the international level; despite definite developments in terms of the role of NGOs in this capacity, the opportunities may still be relatively limited, particularly compared with the opportunity to influence developments at the domestic level which was more often the focus of activity and was also considered to be influential. The attitudes of the general public are seen in this instance to be considered highly influential – more so than national laws – yet as has been noted the data raises some doubts about whether the potential to communicate anti-corruption messages and engage with these stakeholders is being sufficiently utilised although respondents indicate that they are frequently the subject of their anti-corruption work.

Regarding specific sources, some instruments from each 'type' were seen as more or less influential although the multi-stakeholder/collaborative initiatives were more likely than domestic instruments and international legal instruments to receive higher scores (see Figure 20). Overall, the OECD Anti-Bribery Convention and UNCAC

³⁶ It should also be noted that scores in overall terms tended to be lower than those awarded by companies in the survey conducted as part of the AHRC research project. For further on this see Carr, I and Outhwaite, O (2009) 'Corruption and Business Integrity: Law, Policy and Company Practices' 6(3) *Manchester Journal of International Economic Law* 16; Carr, I and Outhwaite, O (2008) 'Surveying Corruption in International Business' 5(2) *Manchester Journal of International Economic Law* 3.

were considered the most influential, followed by the US Foreign Corrupt Practices Act , OECD Guidelines for MNEs, TI Business Principles for Countering Bribery,³⁷ US Sarbanes-Oxley Act, and then UNGC.³⁸ The least influential were (apart from Other) the UK Fraud Act, Hong Kong Listing Rules, Other Multilateral instruments, Japanese Stock Exchange (JSE) Listing Rules, US False Claims Act, New York Stock Exchange Listing Rules, ECOWAS³⁹ Protocol against Corruption, General Listing Rules of London Stock Exchange (LSE), OAS Inter-American Anti-Corruption and the SADC Protocol against Corruption..

III. DISCUSSION

What emerges from this study is that the majority of NGOs had undertaken or adopted activities, policies or programmes related to anti-corruption. While this might be anticipated, on the basis of sampling procedures, it nevertheless highlights the extent to which corruption has been recognised as an issue which deserves the attention of NGOs. In fact more NGOs reported adopting such work with respect to corruption than reported supporting or promoting CSR generally. This, on the one hand, is a positive reflection on the extent to which the need to fight corruption has reached the agenda of these organisations and, on the other, indicates that the two matters – CSR and corruption – are not always dealt with together.

NGOs undertake a wide range of activities and work with or target a variety of stakeholders, in overall terms. The data suggests however that these may be based more upon networking and collaborative information sharing, particularly involving other NGOs. Businesses are included in these efforts and this is encouraging with regard to combating corruption in business. Perhaps the aspects emerging as being less commonly emphasised are those pertaining to more ‘traditional’ campaigning and action efforts and those targeting the general public and stakeholder groups within this sphere such as local communities and schools. It may be that NGOs have assessed such activities as unimportant or less important, particularly given the resource

³⁷ Available at <http://www.oecd.org> .

³⁸ As well as ‘Other’.

³⁹ Economic Community of West African States.

restraints which they may face. However, corruption in particular is not an area that has yet received the same degree of public attention and support, when compared with for instance other aspects of CSR such as environmental protection. It is also an issue which might be more difficult for the public to take on board since in many instances it will not be of direct applicability – the negative consequences of corruption may be less tangible to these stakeholders when compared with the impacts of pollution, unfair labour practices or direct human rights abuses for example. Similarly, the role of some of the stakeholders which may be particularly relevant to corruption specifically, such as auditors, is not necessarily recognised. On this basis, NGOs may be limiting their impact by overlooking certain activities and stakeholders. In relation to the scope of activities, similar limitations might apply where these do not extend to outreach and alternative communication means or even to activities such as direct campaigning and lobbying. Although collaborative efforts have become an important aspect of NGO work and perhaps reflect a move away from the adversarial role sometimes associated with NGOs – particularly in terms of their dealings with businesses – there may still be an important role for NGOs to play in this area, seeking to drive change and influence behaviour in this way. Again it may be that NGOs consider this role to be less relevant but it is important that this is a conscious decision and not simply an omission which might weaken the opportunities for achieving positive developments to tackle corruption.

Views on anti-corruption sources and instruments draw attention to possible discrepancies between the activities conducted by NGOs and stakeholders with whom they work or target and the relative influence of these in combating corruption. There is of course some margin for variance between the general activities reported and those which apply specifically to the organisation's anti-corruption work. Given that the large majority were involved in anti-corruption and that the sampling process targeted NGOs considered to be relevant in this respect, this remains an issue.

The survey findings indicated that many of the activities – research, stakeholder engagement, awareness raising – envisaged in the Toolkits are being applied on the ground. However, there are some gaps and these may need to be filled to improve prevention of corruption. Lifting public awareness to high levels will help in

embedding public intolerance towards corruption, the underlying tenet in corruption prevention. The range of stakeholders also need to be expanded by the NGOs to include gatekeepers such as banks, auditors and accountants since the proceeds of corruption are likely to find their way into the financial system. Whilst anti-money laundering standards and legislation are aimed at preventing the legitimisation of illicitly obtained funds, of themselves they may be insufficient to prevent corruption.⁴⁰ Auditors, accountants and banks need to be made aware of the link between corruption and money laundering and to be engaged positively in spotting and reporting suspicious activities. Equally those who deal with real estate, the high end of arts and antiques market also need to be engaged with.

This survey has helped in exposing some of the areas requiring further strengthening and is also useful in setting the agenda for future research. The survey raises as many questions as it answers, Amongst these many questions are the nature of the collaboration between the stakeholders in relation to corruption and the problems encountered in such engagement,⁴¹ the nature of the expectations from such engagement and the results flowing from it, whether CSR agenda promoted by the various NGOs could usefully embed corruption within it or should corruption be seen as distinct from CSR and the reasons for not focusing on direct action, campaigning or outreach.

CONCLUSION

The aim of this paper was to report findings of a survey of NGOs which sought to establish the range of activities that NGOs undertook in the context of anti-corruption. What we found was that many of the responding NGOs were actively engaged in anti-corruption work but the range of activities such as raising awareness in the general public and gatekeepers were not being exploited widely. However, on the positive side, a great number of the NGOs reported publishing papers and making proposals

⁴⁰ For the link between corruption and money laundering see Carr, I and Goldby, M (2011) 'Recovering the Proceeds of Corruption: UNCAC and Anti-money Laundering Standards' *Journal of Business Law* 170.

⁴¹ For a useful study on the impact of CSR dialogue processes between companies and NGOs see Burchell, J and Cook, J (2006) 'It's Good to Talk? Examining Attitudes towards Corporate Social Responsibility Dialogue and Engagement Processes' 15 (2) *Business Ethics: A European Review* 154.

for law reforms, and engaged with businesses to formulate business codes of conduct. Their engagement in the drafting of business codes is to be welcomed since, after all businesses are seen as particularly prone to supply bribes in their business transactions with the public sector. The recent past is replete with numerous bribery allegations such as the BAE case⁴² and the Siemens case⁴³ to name a few.

⁴² The UK Serious Fraud Office dropped investigations into the BAE Saudi slush fund allegations on grounds of national interest when Saudi Arabia threatened to withdraw terrorist related intelligence. The NGOs Corner House and Campaign Against Arms Trade (CAAT) initiated judicial review and the High Court concluded the SFO decision to be unlawful. On appeal, the House of Lords concluded that the SFO decision was lawful. See *R. (on the application of Corner House Research) v Director of the Serious Fraud Office* [2008] UKHL 60; [2009] 1 A.C. 756. For more on the national interest within the context of OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions 1997 (implemented by the UK in the Anti-Terrorism, Crime and Security Act 2001) see I. Carr and O. Outhwaite (2008) 'The OECD Convention: Ten Years On' 5(1) *Manchester Journal of International Economic Law* 3. See also <http://www.sec.gov/litigation/litreleases/lr18775.htm> on payments by Titan to officials in Benin and falsified accounts to hide payments. See also http://web.worldbank.org/WBSITE/EX_TERNAL/NEWS/0,,contentMDK:20229958~menuPK:34463~pagePK:64003015~piPK:64003012~thSitePK:4607,00.html on bribes paid by multinationals to the ex-CEO of the Lesotho Highlands Development Authority including Balfour Beatty of the UK, Cegelec of France in the Lesotho Highlands Project [Both accessed December 8, 2010].

⁴³ See Dougherty C 'Siemens Bribery Case Moves to Trail in Germany', *International Herald Tribune* (May 26, 2008), available at <http://www.ihf.com>; and Schäfer, D 'Executives Feel Fallout from Siemens Bribery Case', *Financial Times* (July 31, 2008), available at <http://www.ft.com> [Both accessed December 8, 2010].

TABLES AND FIGURES

Table 1: Location of Head Office

Country	Frequency	Percentage (%)
USA	4	20.0
UK	6	30.0
Canada	1	5.0
Kenya	2	10.0
Spain	1	5.0
Lebanon	1	5.0
Azerbaijan	1	5.0
Ghana	1	5.0
India	1	5.0
South Africa	1	5.0
Nigeria	1	5.0
Total	20	100.0
Missing	3	

Table 2: Levels of operation

Level	Response	Count	Percentage (%)
Local	No – does not operate at that level	13	56.5
	Yes – does operate at that level	10	43.5
National	No – does not operate at that level	4	17.4
	Yes – does operate at that level	19	82.6
Regional	No – does not operate at that level	12	52.2
	Yes – does operate at that level	11	47.8
International	No – does not operate at that level	5	21.7
	Yes – does operate at that level	18	78.3

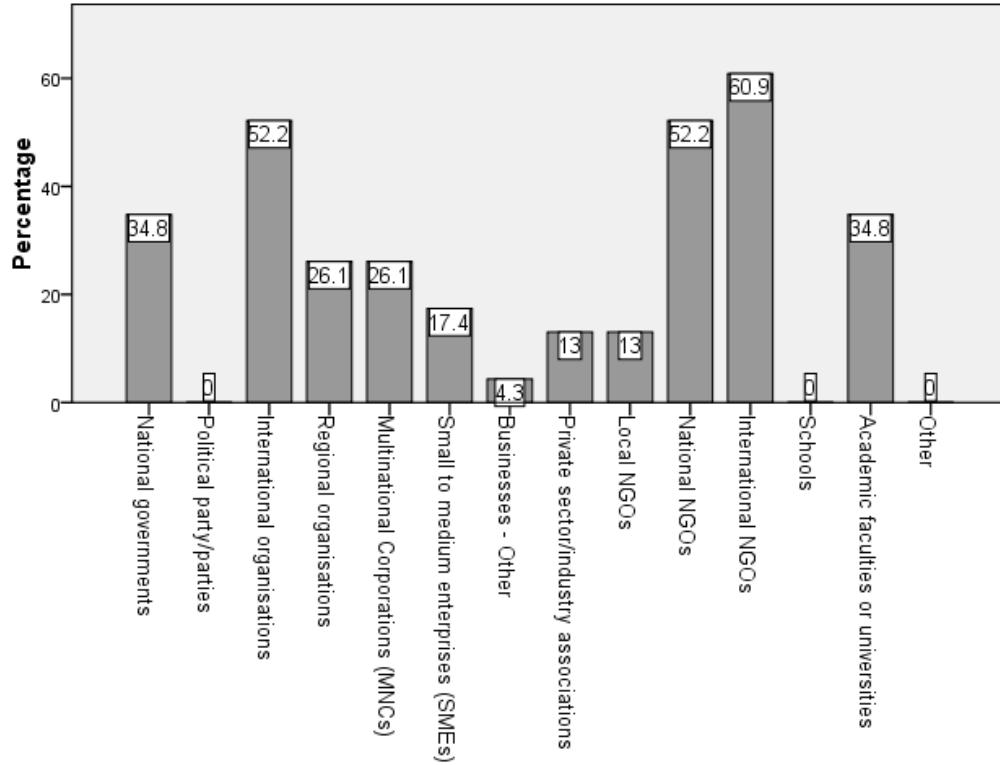


Figure 1: Percentage of Respondents Working Jointly with Stakeholders

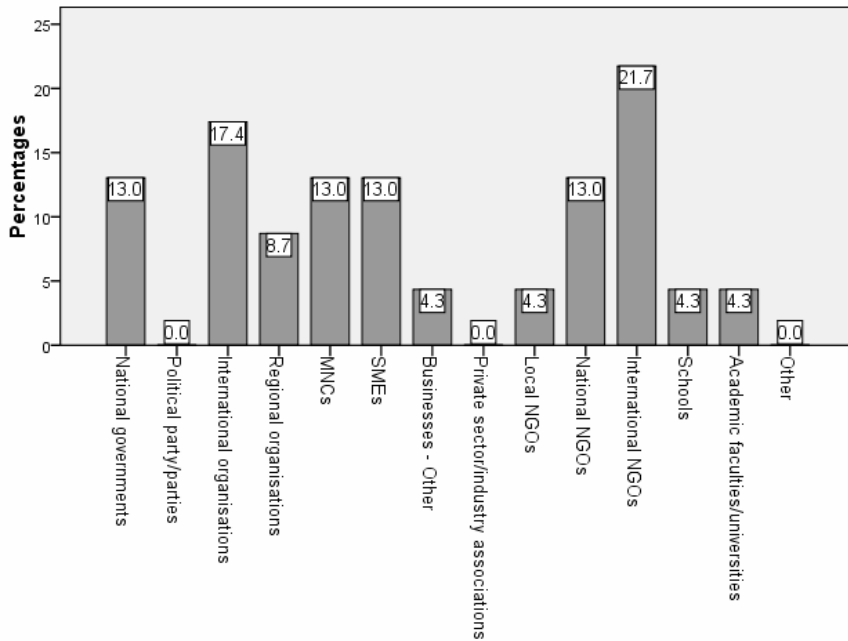


Figure 2: Percentage of Respondents Undertaking Work on Behalf of Stakeholders

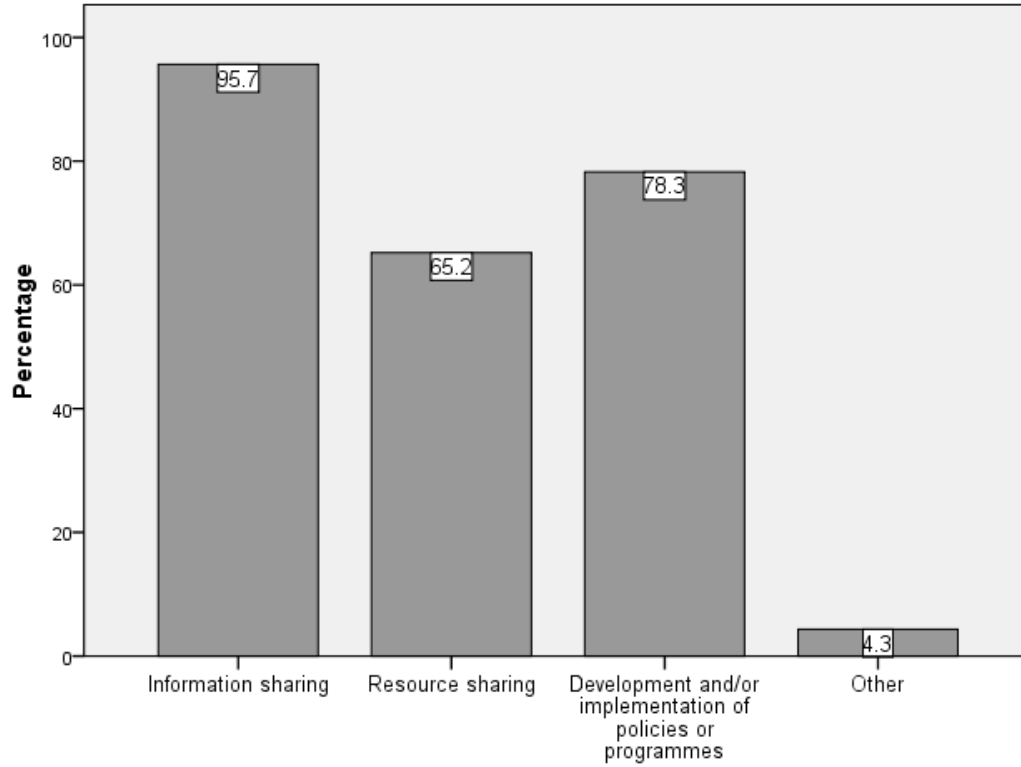


Figure 3: Networking Activities I - collaboration activities

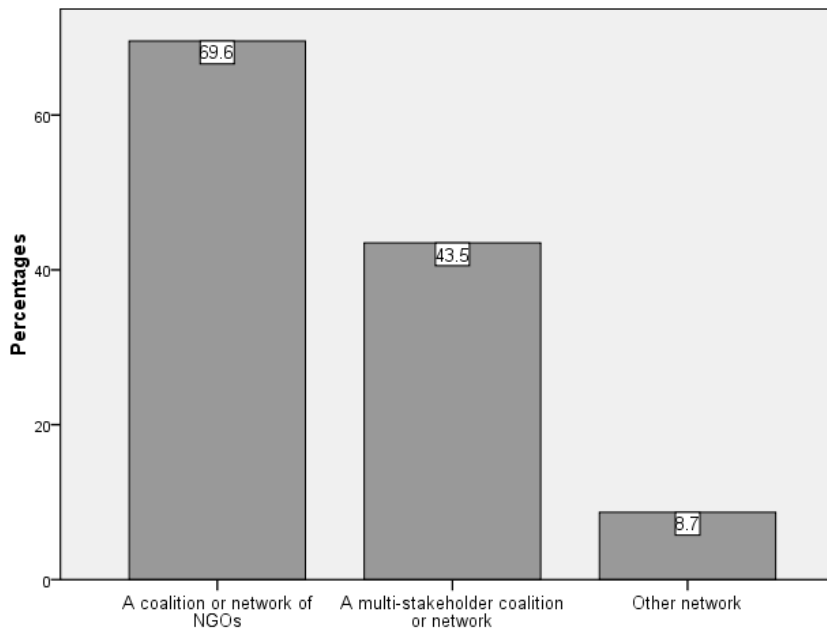


Figure 4: Networking Activities II: involvement in coalitions

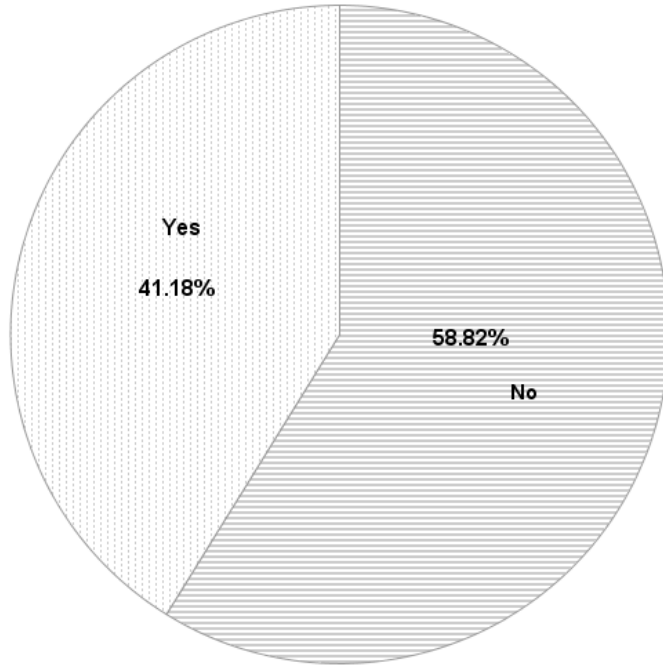


Figure 5: Networking Activities III: respondents reportedly collaborating with government enforcement agencies

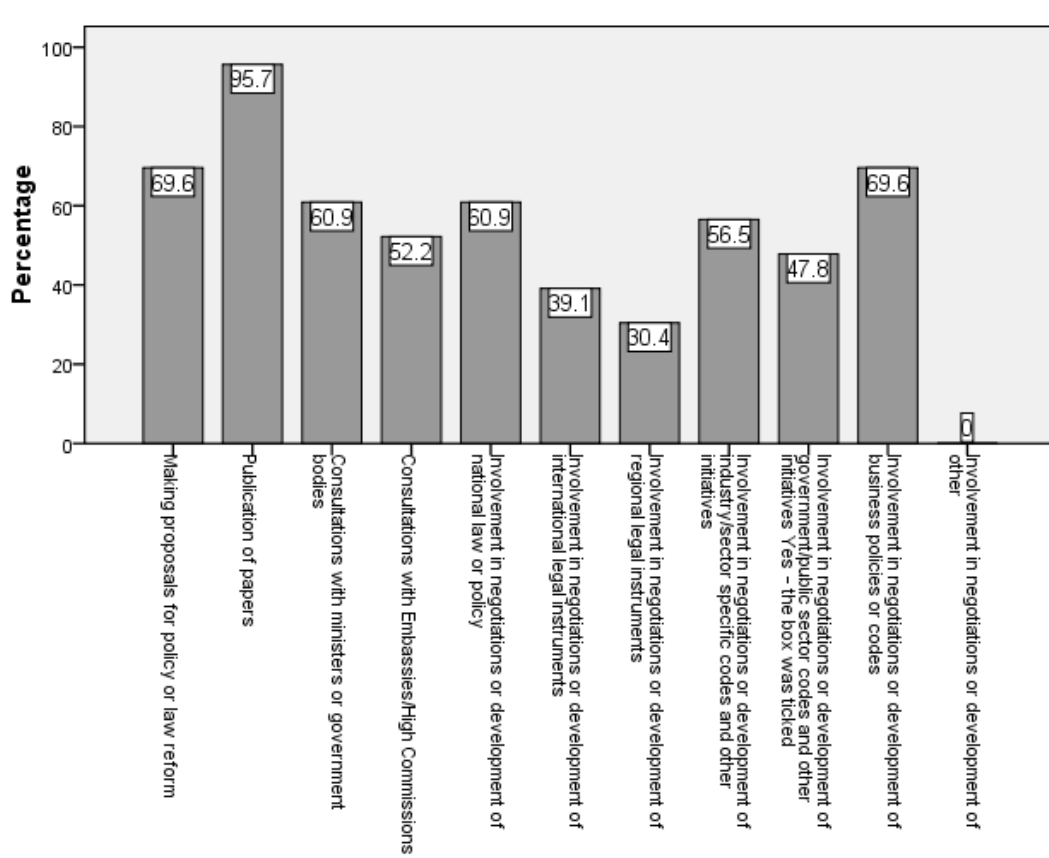


Figure 6: Reported Involvement with Policy Work

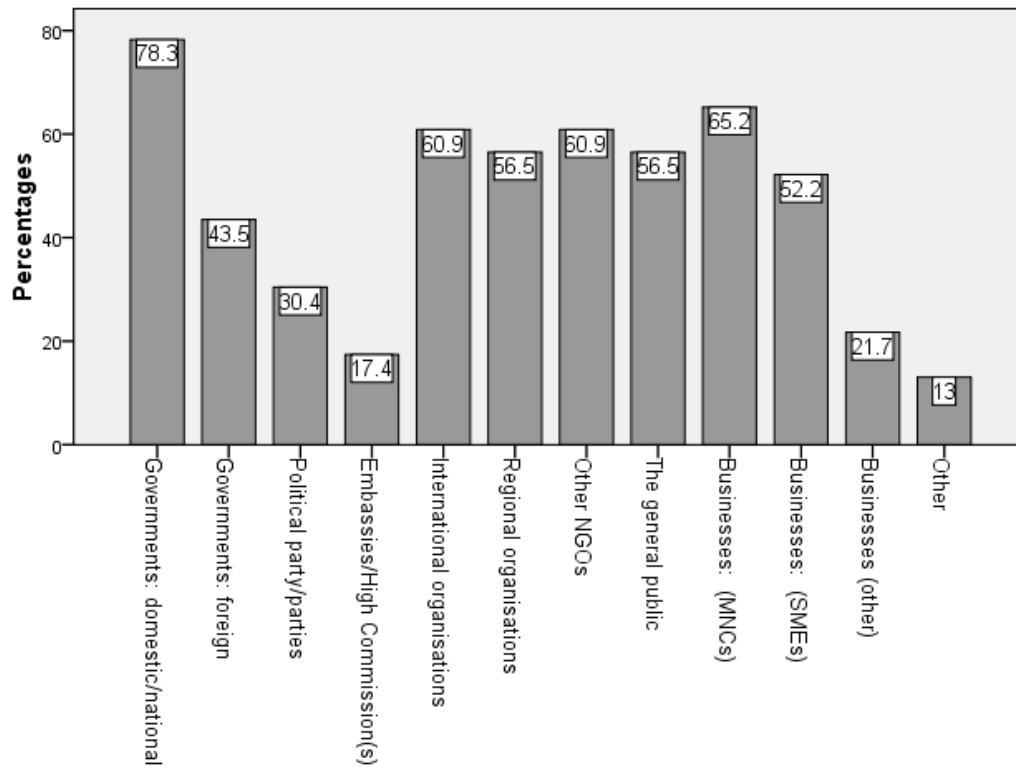


Figure 7: Stakeholders which Respondents Seek to Influence

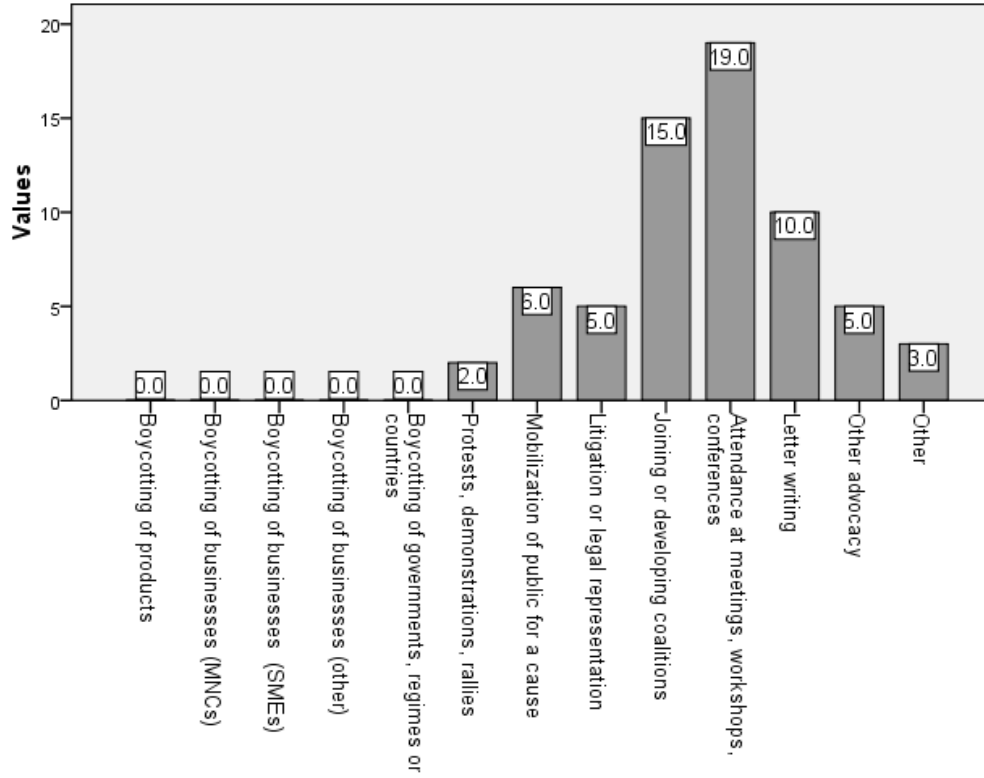


Figure 8: Campaigning Activities I

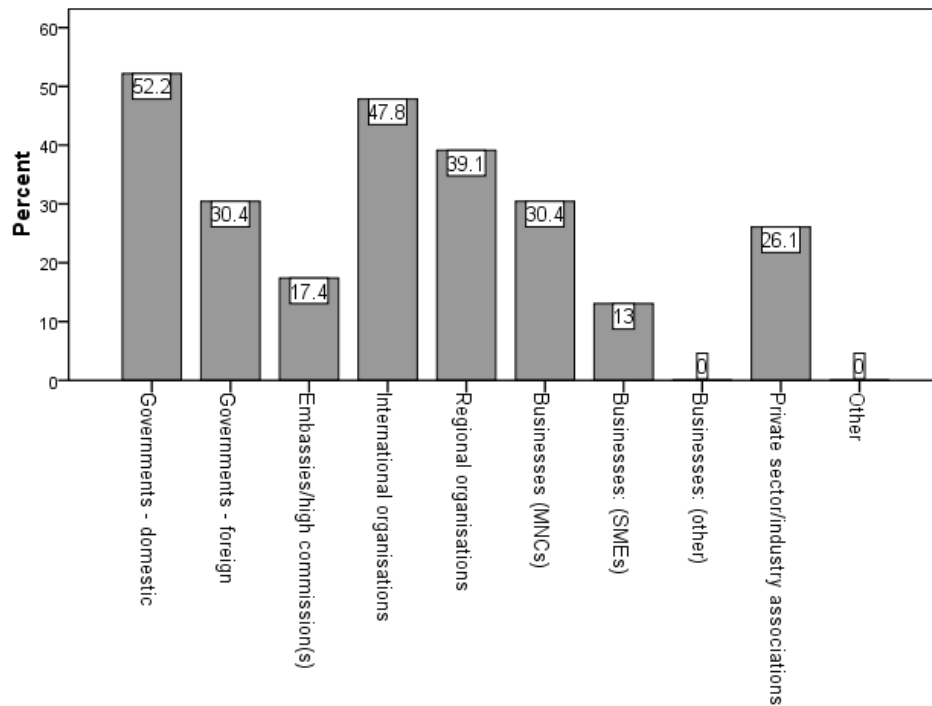


Figure 9: Campaigning Activities II: frequency and subject of lobbying activities

Table 3: Levels at which campaigning activities are targeted

Level	Response	Count	Percentage (%)
Local	No – the box was left blank	10	58.8
	Yes – the box was ticked	7	41.2
National	No – the box was left blank	2	11.8
	Yes – the box was ticked	15	88.2
Regional	No – the box was left blank	8	47.1
	Yes – the box was ticked	9	52.9
International	No – the box was left blank	4	23.5
	Yes – the box was ticked	13	76.5

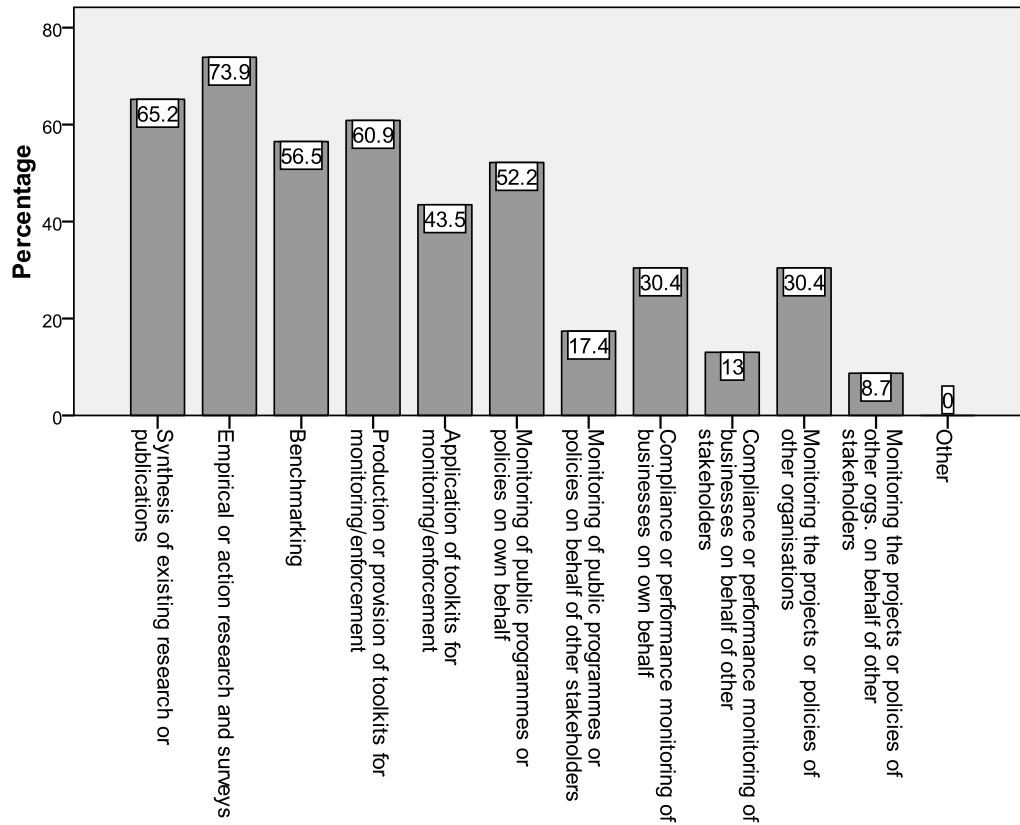


Figure 10: Research and Monitoring Activities

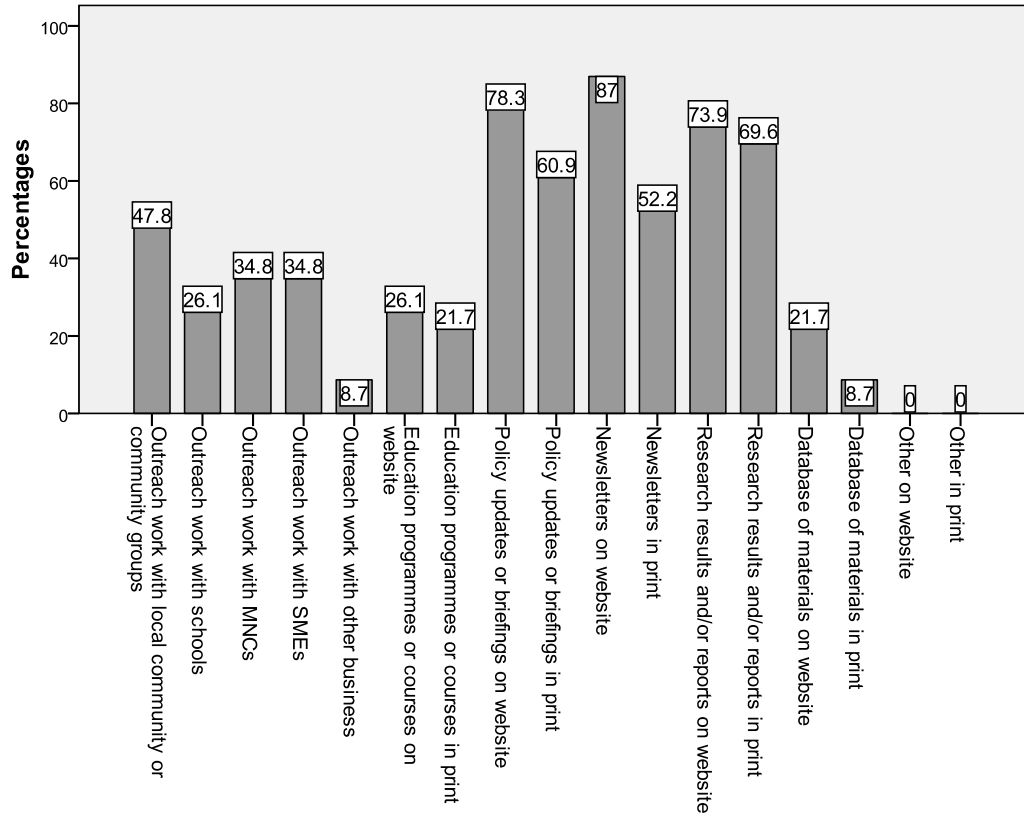


Figure 11: Awareness Raising I

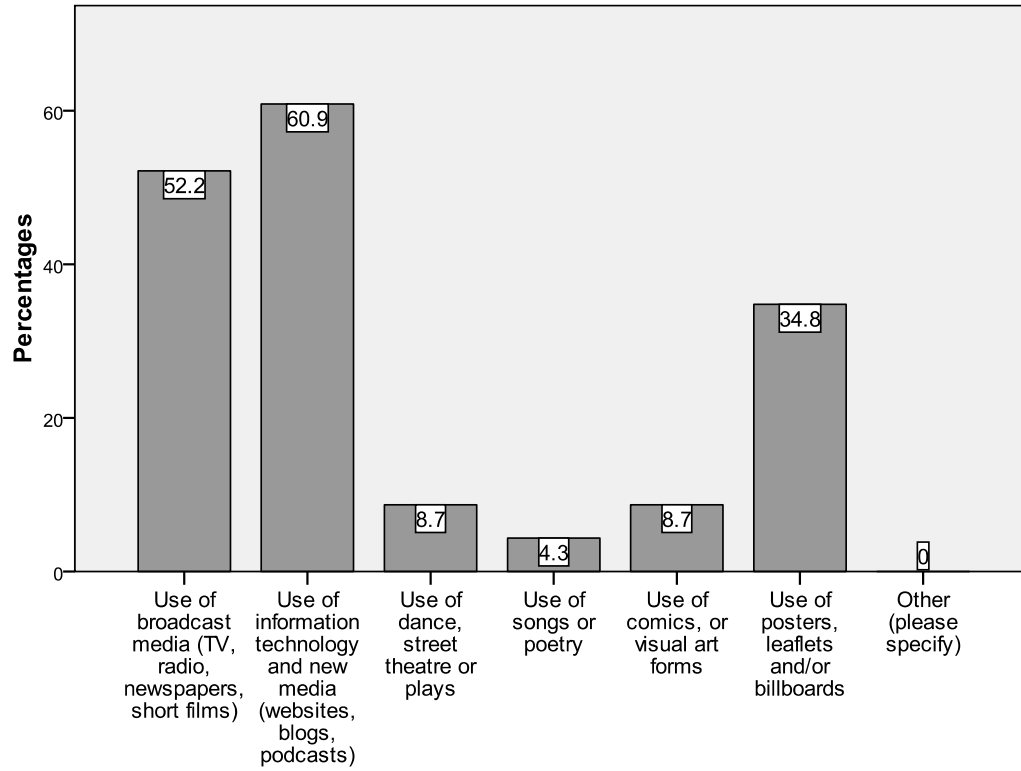


Figure 12: Awareness Raising II

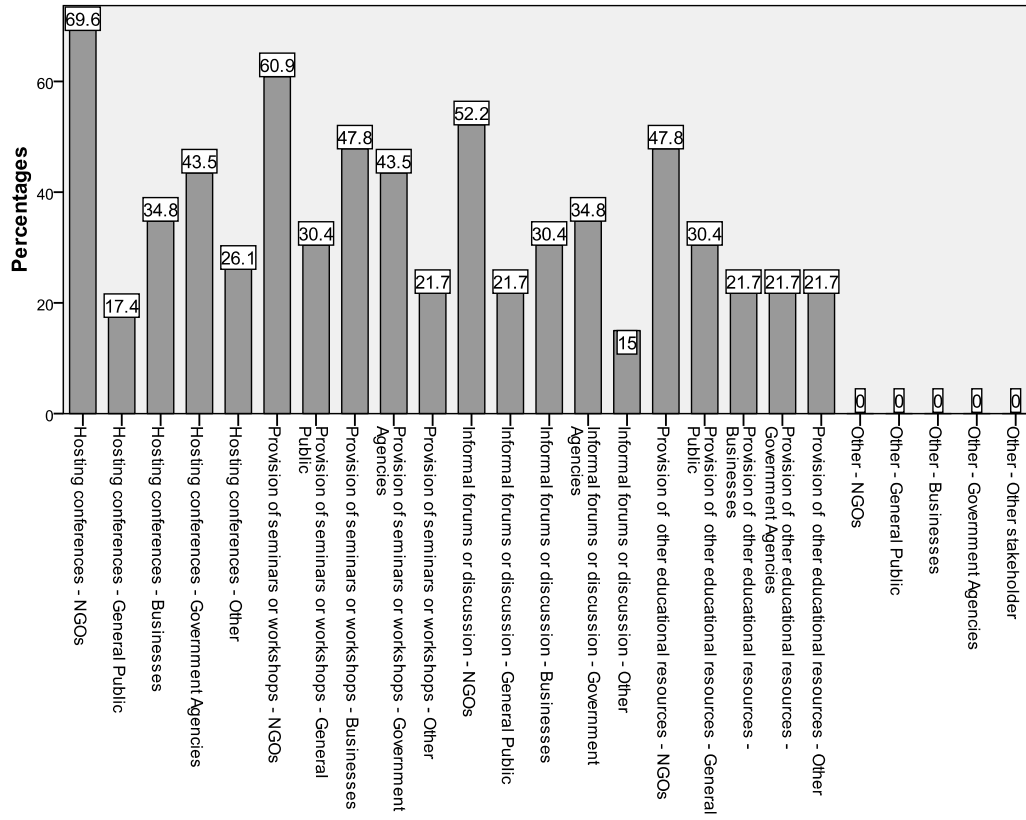


Figure 13: Awareness Raising III

Table 4: Capacity Building Activities

Activity	Applicable stakeholders (percentage respondents engaged with activities directed at these stakeholders) Figures in percentages				
	Other NGOs	General public	Businesses	Government agencies	Other
Training	52.2	39.1	34.8	43.5	30.0
Assistance with development of policies or programmes	52.2	8.7	39.1	34.8	8.7%
Advice or recommendations	52.2	30.4	47.8	56.5	17.4
Consultancy services	30.4	8.7	26.1	21.7	.0
Production of guidelines	39.1	21.7	47.8	30.4	8.7
Production or provision of decision-making tools	26.1	4.3	26.1	17.4	4.3
Application of decision-making tools (to stakeholders)	8.7	.0	13.0	4.3	.0
Production or provision of compliance toolkits	17.4	.0	21.7	8.7	4.3
Application of compliance tools (to stakeholders)	8.7	.0	8.7	13.0	.0
Provision of manuals or guidebooks	52.2	30.4	34.8	30.4	4.3
Working with local community leaders	17.4	21.7	8.7	.0	.0
Citizens report cards	4.3	13.0	4.3	.0	4.3
Providing anonymous reporting mechanism(s)	8.7	4.3	8.7	.0	.0
Working with other local representatives	8.7	8.7	4.3	8.7	.0
Other	.0	.0	.0	.0	.0

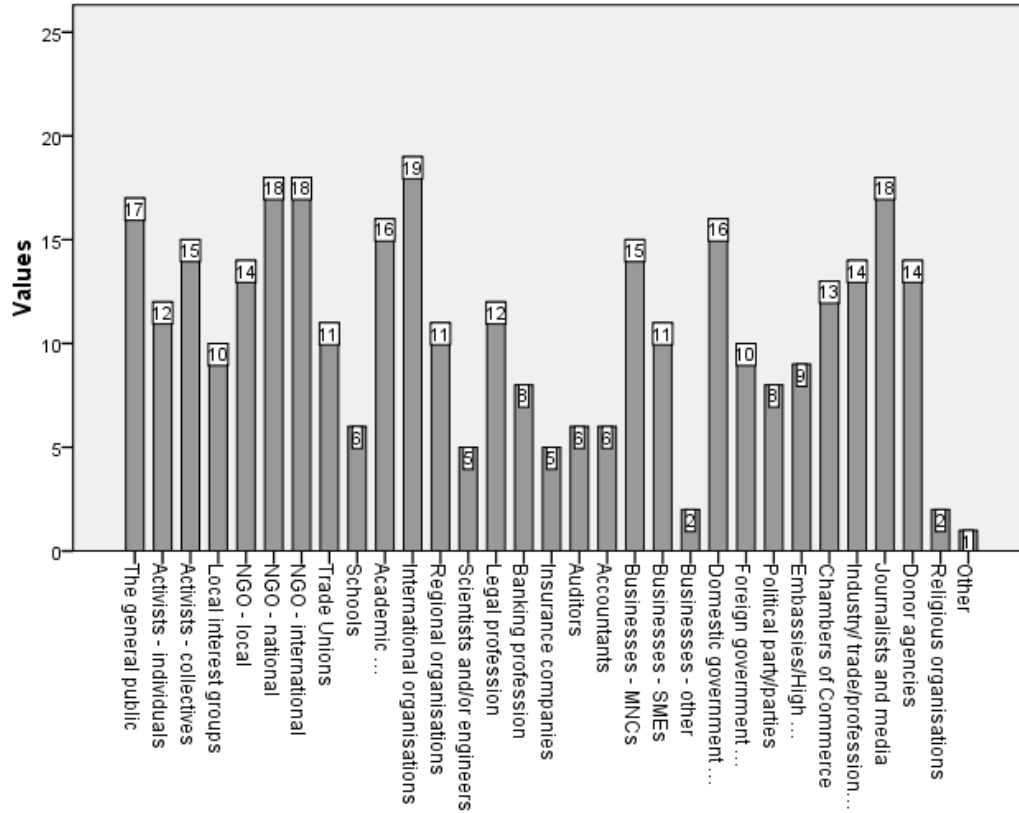


Figure 14: Stakeholders with which Respondents Work With or Target.

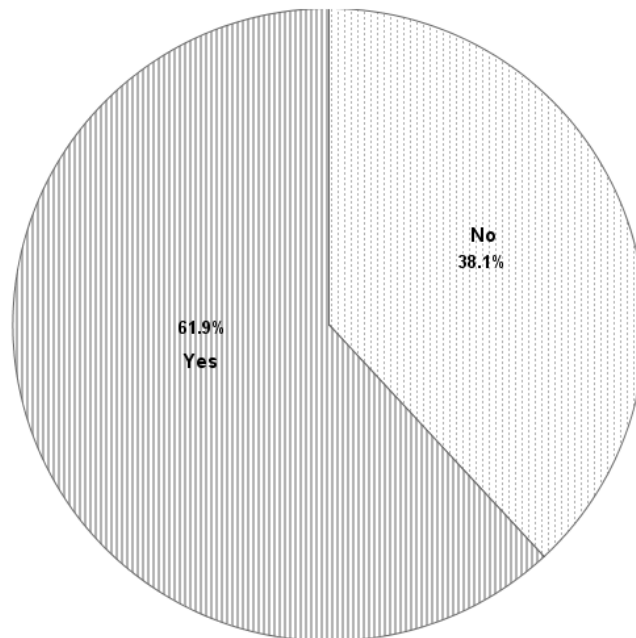


Figure 15: Percentage of Respondents who 'Actively Supported or Promoted' CSR

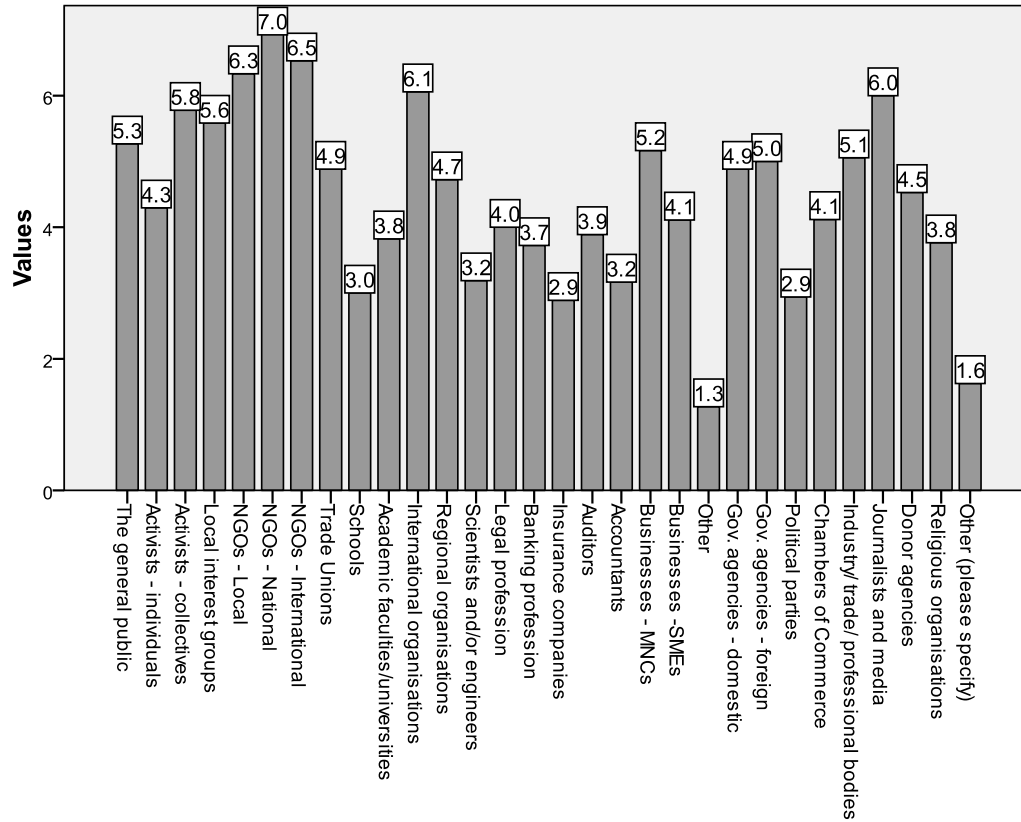


Figure 16: Extent to which Stakeholders are Perceived to Have Had a Positive Impact in Terms of CSR

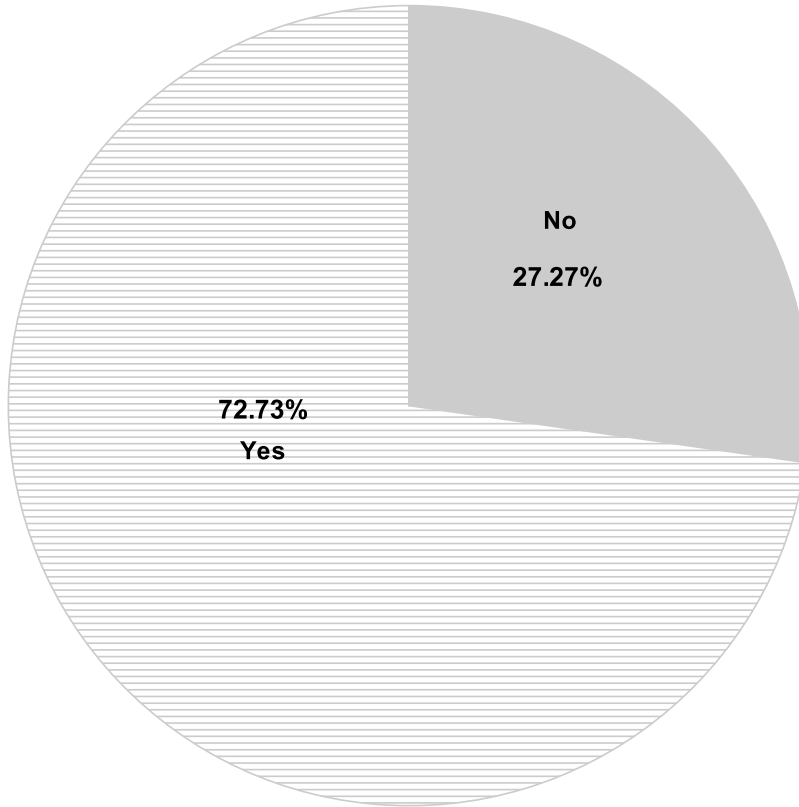


Figure 17: Percentage of Respondents who Undertake Work Specifically Related to Corruption

Table 5: Sectors Targeted for Purpose of Anti-corruption Work

Sector	Response	Count	Responses (Percentage %)
Private sector	No the sector is not targeted	3	17.6
	Yes the sector is targeted	14	82.4
Public Sector	No the sector is not targeted	4	23.5
	Yes the sector is targeted	13	76.5
Voluntary Sector	No the sector is not targeted	14	82.4
	Yes the sector is targeted	3	17.6
Other	No the sector is not targeted	16	94.1
	Yes the sector is targeted	1	5.9

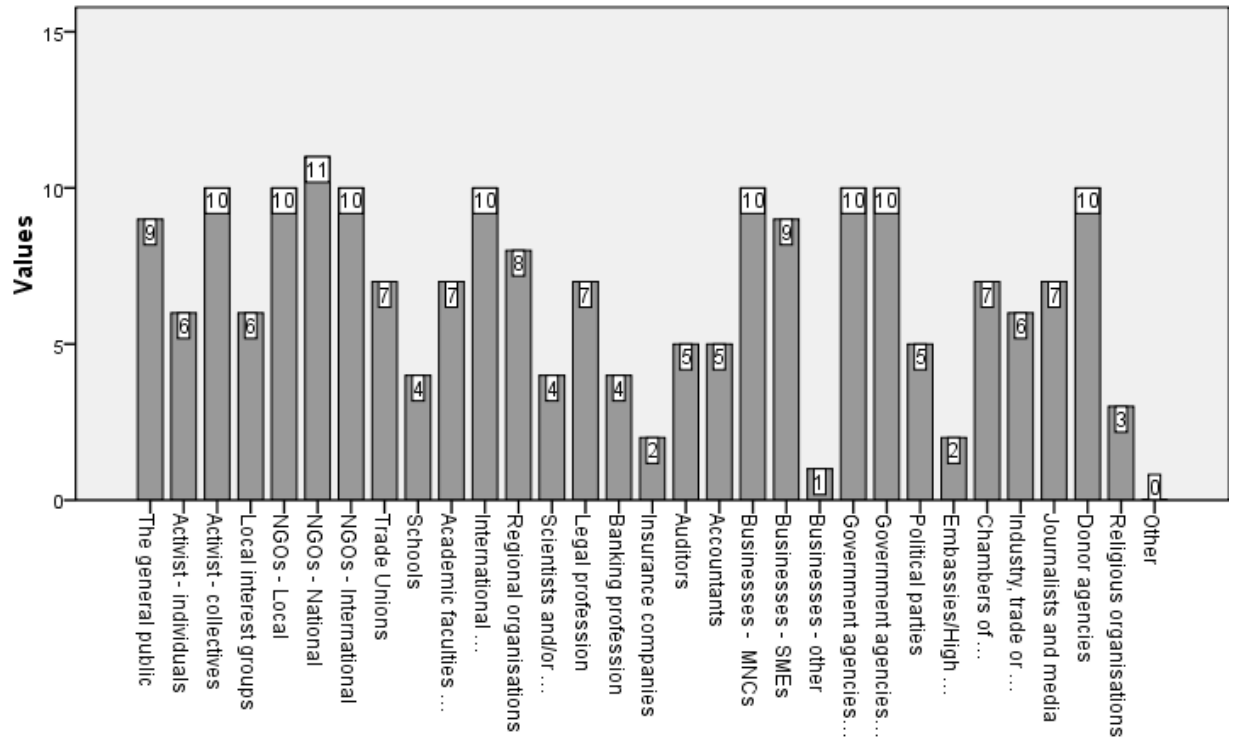


Figure 18: Stakeholders Targeted for Purpose of Anti-corruption Work

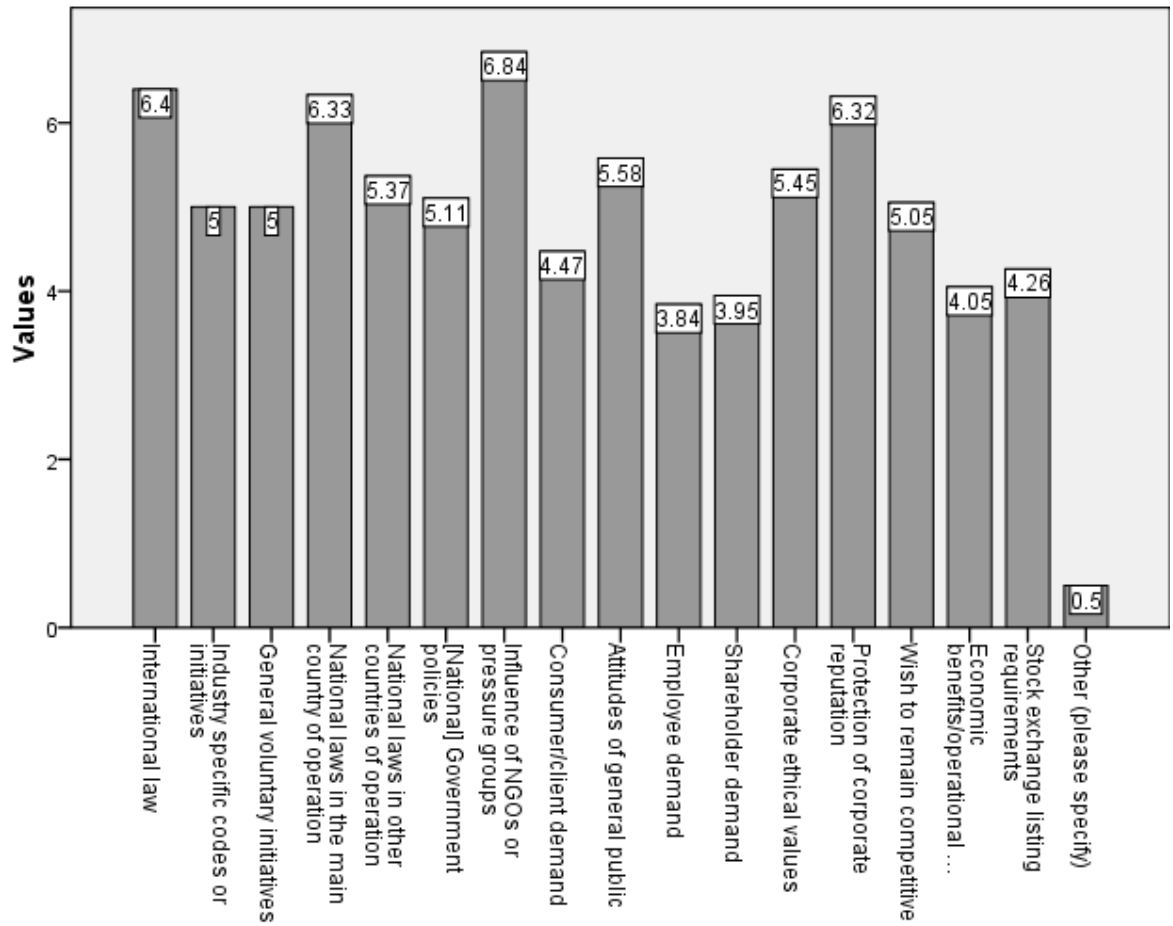


Figure 19: Perceived Influence of General Anti-corruption Sources

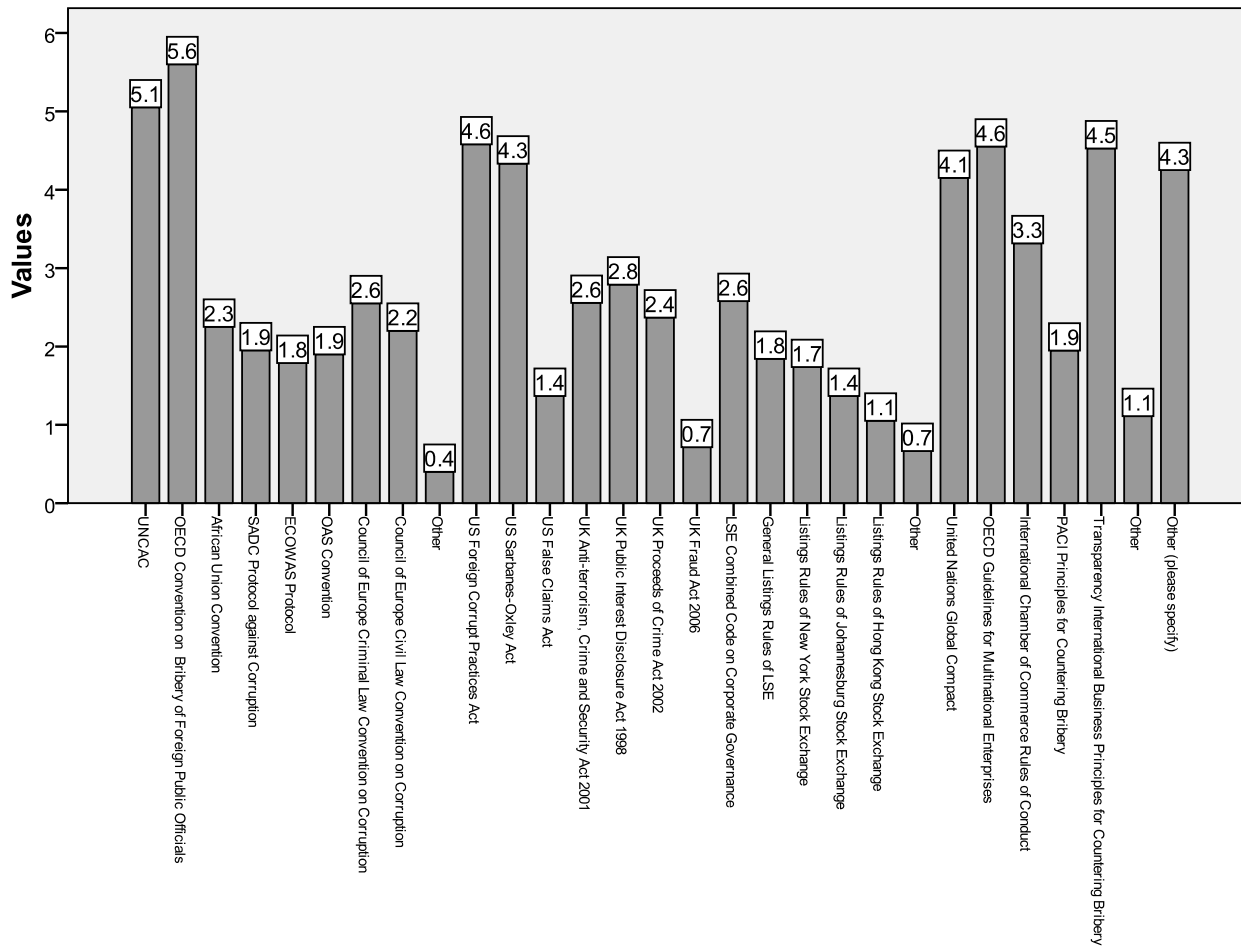


Figure 20: Perceived Influence of Specific Anti-corruption Instruments