TI REGIONAL
TOOL KIT

**Building Democratic Governance through
Transparency and Participation**

Y E R E V A N

2004

Building Democratic Governance through Transparency and Participation

Transparency International (TI) is the only international non-governmental organization devoted to combating corruption that brings together civil society, businesses and governments. Through its International Secretariat in Berlin and independent national chapters all around the world, TI makes joint efforts to fight against corruption, which undermines the democratic, economic and social development of countries and regions, leads to poverty and ultimately threatens global stability and peace. In the international arena, TI raises awareness about the effects of corruption, advocates policy reforms, works towards the implementation of multilateral conventions and monitors their compliance by governments and corporations. At the national level, TI chapters work to increase levels of accountability and transparency, monitor the performance of key institutions and press for necessary reforms in a non-partisan manner.

The key challenge for the TI global movement is to organize itself so that its partners can benefit from each other's experience and thereby build global capacity to more effectively fight corruption. In order to address this challenge, TI has organized its first ever Regional Meeting for Europe and Central Asia "Building Democratic Governance through Transparency and Participation" in Yerevan, Armenia, in June 18-20, 2004. The main objective of this initiative was to target the immense challenges of the region and support its governments and civil society through offering the aggregate experience of TI as a global movement. Experts, practitioners and civil society activists from about 30 countries across this region have been invited to discuss issues of regional relevance, shared their experiences, introduced new ideas, proposed specific recommendations and outlined future joint projects. The event was marked by an unprecedented support from international organizations such as Council of Europe, European Commission, Organization for Security and Cooperation in Europe, Open Society Institute, British, Swiss, German and US governments, Charles Stewart Mott Foundation, etc.

One of the outcomes of the Meeting was the publication of "Regional TI Tool Kit" to introduce best anti-corruption practices of 8 countries ranging from the Eastern Europe to the South Caucasus. Voluntary contribution of TI national chapters from Armenia, Bosnia and Herzegovina, Croatia, Czech Republic, Georgia, Lithuania, Poland and Russia to preparation of this publication is hard to underestimate. Presented projects cover the issues related to political parties' funding during elections, environment for local business development, conflict of interest, misuse of administrative resources, effectiveness of anti-corruption measures in the city administration, access to information, public awareness and participation in the decision-making processes, and civil society involvement in legal drafting. Similar experience of TI chapters will be a valuable asset for promoting the effectiveness of anti-corruption initiatives in each country of the region. Applicable methodologies and recommendations made by national chapters based on their own experience will serve as a solid ground for more active civil society involvement in combating corruption, forcing governments to take more decisive actions to promote transparency and accountability and thus furthering democratic development of the region.

TABLE OF CONTENTS

ARMENIA

**Promoting Public Participation in
the Environmental Decision-Making
in Yerevan City**

Background Information

Project Description
The Project was aimed at increasing transparency of the environmental decision-making in Yerevan in order to promote the quality and effectiveness of relevant decisions and improve the environmental situation in the city through furthering public participation in the decision-making process.

Implementing Organization
Center for Regional Development /Transparency International Armenia (CRD/TI Armenia)

Partners/Networks
The Coalition on the Protection of Green Zones of Yerevan (13 NGOs) formed in 2003 and transformed in 2004 into the Environmental Public Alliance (38 NGOs), upon initiative and coordination of the CRD/TI Armenia.

Funding/Support
The Organization for Security and Cooperation in Europe (OSCE) Office in Yerevan has provided support to launch a dialogue among public officials from relevant state institutions and the NGOs.

The World Learning Armenia, under USAID/NGO Strengthening Program, has funded the advocacy campaign to regulate relationships between the Yerevan Municipality and the Environmental Public Alliance.

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Implementation of the Project

Target Groups
The main target groups were the representatives of state institutions responsible for environmental policy making and policy implementation such as Yerevan Municipality, Ministry of Nature Protection, Ministry of Urban Development, Agency for Protection of Historical and Cultural Monuments of the Ministry of Culture and Youth Issues, Police Service, etc.

Methodology
The Project attempted to test and utilize the public participation provisions and mechanisms available in the national legislation as well as international conventions ratified by Armenia (ranging from issues of access to information to those related to litigation against illegal and corrupt actions of state officials). In particular, the Project tried to promote the rights of the Environmental Public Alliance in the light of the 1998 UNECE Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters (known as Aarhus Convention). NGO collaboration was the key for achieving more recognition by state institutions and more acknowledgements from the public.

Environment
During the last 10 years, about 40% of green areas of Yerevan City have been destroyed due to the energy crisis in the beginning of 1990s and continuous construction since late 1990s. Decrease of the green area in the city located in semi-arid region has led to intensified desertification processes, accompanied by strengthened winds, increased noise pollution and decreased biodiversity. In the meantime, there was no dialogue between the Armenian civil society and state institutions in environmental issues in spite of the variety of activities being implemented in accordance with the Aarhus Convention. In fact, NGOs in Armenia do not participate in the environmental decision-making process. Neither there are real mechanisms to ensure public access to relevant information. Thus, citizens are informed about changes in their environment only when those changes have already taken place.

Activities

- Public opinion survey to measure the public awareness in and attitudes towards certain environmental issues
- Coalition-building through organizing meetings and workshops and electing a representative body of the Environmental Public Alliance
- Roundtable discussions with participation of public officials and NGOs
- Protest actions with participation of NGOs, children and youth
- Media campaign through publication of brochures and newspaper articles, production and broadcasting of the animated public service announcement, preparation of and participation in TV and radio programs, as well as press conferences
- Lobbying for adoption of mechanisms of cooperation between civil society and the Yerevan Municipality
- Filing cases to the court to highlight the illegal activities of state authorities

Outcomes

- Increased public awareness on environmental issues
- Intensified public protest against illegal activities of state institutions
- Coordinated activities of 38 NGO members of Environmental Public Alliance, aimed at achieving one common goal
- More active media coverage of the environmental problems
- De facto recognition and engagement of representatives of the Environmental Public Alliance in several decision-making processes
- Emergence of the issue of deterioration of green areas of Yerevan on the agenda of the decision-makers
- Arranged oversight of the construction and urban development-related activities of the Yerevan Municipality by the Urban Development Inspection, upon the Prime Minister's order, and by the Control and Review Service under the President of Armenia

Conclusion

Strengths/Weaknesses

The main strength of the Project was the successful unification of 38 civil society organizations, which is a rare case in the history of the Armenian NGO sector. Weaknesses include the difficulty to concentrate the attention and resources of the Project on specific issues because of the complexity of problems and massive scope of the required work.

Risks/Challenges

One of the major challenges of the Project was the lack of political will to cooperate with the civil society, in general, and the members of the Environmental Public Alliance, in particular. Though representatives of the Yerevan Municipality publicly admitted the absence of any dialogue with the public and expressed their willingness to cooperate, they did not take real steps towards collaboration with the NGO sector. It could be mainly explained by a high risk to involve the Environmental Public Alliance in the decision-making on land allocation, which is considered to be one of the most non-transparent areas in Armenia. Another challenge was the increased amount of complaints from citizens and their requests to assist with the cases of illegal actions and corrupt behavior of state officials, which were hard to address due to the limited resources of the Project.

Recommendations

- To address the issue of sustainability of the Environmental Public Alliance through establishing an executive body or secretariat for coordination of efforts and raising funds for its regular support
- To draw attention of the National Anti-Corruption Board under the Prime Minister of Armenia and Anti-Corruption Monitoring Commission under the Board to the issue of transparency in environmental and urban development decision-making
- To continue monitoring of how respective legal provisions on access to information, public participation and access to justice are being enforced and informing all interested parties on the actual practice in the field.

BOSNIA AND HERZEGOVINA

Corruption as an Election Issue

Project Description

Publication of results of corruption perception surveys conducted by Transparency International Bosnia and Herzegovina during the 2002 elections pointed to the failures of those in power and imposed the new agenda for the upcoming general elections. The survey data showed that there was corruption at all levels of governance: from the State Entities and Cantons to municipalities. This speaks of the existence of state capture and grand corruption, whereby citizens lost any trust in their political representatives. The findings also demonstrated that political parties, particularly, the three largest ones, are seen as the most corrupt institutions.

Transparency International Bosnia and Herzegovina addressed the political parties' corruption again by carrying out a new public opinion survey a month before the elections and putting stress on the election-related activities and programs of political parties, as well as their capacity to fight against corruption and solve other problems. Results of this survey were publicised at a press conference few days before the general elections. The Project drew attention to the issue of how important is to ensure political parties' accountability and existence of anti-corruption strategies in their programs.

Implementing Organization

Transparency International Bosnia and Herzegovina (TI BiH)

Partners/Networks

N/A

Funding/Support

Year 2002:
- The European Union has financed the Corruption Perception Study
- The Open Society Fund BiH has funded the "Corruption as an Election Issue" Project

Year 2004:
- The European Union has financed the Corruption Perception Study, with "Corruption as an Election Issue" Project as its integral part

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Target Groups

The target group is the pool of voters all around the country, who could use the performance indicators to make a judgement at local, sub-national and national elections, if they want to delegate the leadership mandate to particular political parties/actors.

Methodology

Corruption perception study has been conducted on a fully representative sample of 1,500 respondents (above 18 years old), citizens of BiH. The field research has been implemented using the method of face-to-face interviews and the method of field survey in private apartments. A stratified random sample had been used, with the number of respondents determined in advance for all local communities.

Environment

The 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (the Dayton Accords) ended the war that had raged since 1991 and created the State of Bosnia and Herzegovina, which was previously a constituent republic of Yugoslavia. The Agreement created two multi-ethnic constituent Entities within the new state: the Federation of Bosnia and Herzegovina (FBiH) and the Republika Srpska (RS).

The Federation has a post-war population composed primarily of Bosnian Muslims (Bosniaks) and Croats, while the post-war RS has a Bosnian Serb majority. The Constitution (Annex 4 of the Dayton Accords) established a central government with a bi-cameral legislature, a three-member Presidency (consisting of a Bosniak, a Serb, and a Croat), a Council of Ministers, a Constitutional Court, and a Central Bank. The Entities (namely, FBiH and RS) maintain separate armies, but according to the Constitution, those are ultimately under the control of the BiH Presidency.

The Accords also assigned numerous governmental functions to the two Entities, each of which has its own government, parliament, and police force. The Dayton Accords delegated the power to oversee the implementation of civilian provisions to the Office of the High Representative (OHR), which can also enforce the legislation and remove public officials obstructing the implementation of the Dayton Accords.

Activities
- Public opinion study
- Preparation of the study report
- Press-conference and announcement of the Project results
- Publicizing the Project's results trough media and publication of the study report

Outcomes
- Identified politicians in BiH, who have the clearest vision of economic development of the country
- Identified politicians, who would fight corruption in the most efficient manner
- Determined extent, to which corruption exists in certain institutions in BiH
- Evaluated efficiency of certain institutions in BiH in the fight against corruption
- Identified parties in BiH, which would make the greatest contribution to solution of the current problems such as corruption, protection of national interests, poverty reduction, unemployment, etc.

Conclusion

Strengths/Weaknesses
The role of an independent monitor of the implementation of anti-corruption activities and a neutral evaluator of political parties' accountability during elections was given to TI BiH, which significantly strengthened the Project. Through continuous monitoring and following-up on any progress in the field as well as keeping the general public informed about the accountability of the political parties participating in elections TI BiH can make a valuable contribution to the establishment of the rule-of-law system in the country.

The project weakness is that in spite of widespread public perception that certain politicians and political parties are deeply corrupted, most of the voters still elect them basing their choice on a variety of other factors related to the country's specifics described above.

Risks/Challenges
The main risks of the Project were related to unpredictable changes during the election period, for example when most young voters decided not to vote in 2002 or the OHR decided to remove 59 elected and appointed public officials in RS in June 2004.

Recommendations
- To use the tools developed through the Project implementation every second year before the general and local elections:
  - "Corruption Perception Study" as a verifiable methodology for corruption assessment and a reliable source for further analysis of the situation in the country
  - "Corruption as an Election Issue" as a useful instrument for identifying the level of accountability of political parties and raising public awareness during elections.

CROATIA

Accountability Program in the Western Balkans:
Increased Accountability through Transparency/
Transparency for Accountability

Background Information

Project Description

The Program addressed the existing deficiencies in the government accountability by proposing remedies in two key areas conflict of interest and free access to information. The three-year Program followed the global political framework of the Stability Pact for South Eastern Europe, with focus on promoting civil society involvement in the policy reform in Croatia, Bosnia and Herzegovina, Serbia and Macedonia. The main goal of the Program implemented in Croatia was to restore faith in the rule of law and ensure continuous positive developments in the country through involving civil society in the policy process. This was planned to achieve by raising public awareness; strengthening civil society; lobbying for adoption and enforcement of the conflict of interest and free access to information laws; reducing opportunities for conflict of interest among public officials; ensuring free access to information; monitoring the implementation of laws; and establishing partner relations with state institutions.

Implementing Organization

Transparency International Croatia (in Croatia), in cooperation with its regional partners implementing the same program in their countries: Transparency Serbia, Transparency International Bosnia and Herzegovina and Transparency International Macedonia.

Partners/Networks

- Transparency Serbia, Transparency International Bosnia and Herzegovina, and Transparency International Macedonia, which implemented the same Program in their countries
- Transparency International Secretariat
- "Public Right to Know" Coalition of 20 Croatian NGOs

Funding/Support

Ministry of Foreign Affairs of Finland

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Implementation of the Project

Target Groups

Among target groups were the Croatian Government and the Parliament, respective Ministries and State Offices, local government officials, the Ombudsman, the State Office for Preventing Corruption and Organized Crime, professional business associations, academia, relevant CSOs and NGOs, the general public, investigative journalists and media, along with the student community.

Methodology

The Program was closely linked with the current government efforts and obligations within the framework of the abovementioned Stability Pact for South Eastern Europe. During the preparatory phase, it was agreed among all stakeholders that the most effective strategy to increase good governance at the regional level would be to implement parallel programs tailored to the requirements of each participating country. Particularly, it has been decided to use a combination of top-down and bottom-up approaches to the Program implementation in Croatia. The methodology included public opinion polls, public debates, seminars, trainings and roundtable discussions as well as monitoring of the law implementation.

Environment

In March 2001, the Croatian Parliament adopted a National Program for the Fight against Corruption, with its Action Plan, which was developed in broad consultations with NGOs (who had actually initiated the process) and supported by the consensus of all political parties.Its main emphasis was on taking preventive measures, promoting better governance, implementing legal reforms in public administration and judiciary, local self-government and decentralization, and ensuring an active role of free media and civil society. In the meantime, relevant legislation had serious deficiencies.

Thus, the Law on Free Access to Information, which came in power on October 15, 2003, lacked some basic instruments. A number of other laws (related to freedom of media and adopted in attempt to harmonize the Croatian media legislation with the European standards) caused particular concerns. Among them were the adoption of a new system of appointment of members of the Program Council of the Croatian Radio and Television through political parties or removal of the provision protecting journalists from prosecution if their intention to commit libel could not be proven. Another concern was associated with the Law on the Conflict of Interest in Performance of Public Duties, adopted on September 25, 2003, to regulate situations, when public officials have private interest affecting the impartiality of performance of their public duties. In addition, the Government plan for judicial reform was also acknowledged to have particular challenges for its implementation.

Activities
- Legal assessment and drafting of the Laws on Conflict of Interest in Performance of Public Duties and Free Access to Information
- Sensitization of public officials and media
- Establishment of the baseline through assessment of the quality of media and the level of public awareness of issues of the conflict of interest and free access to information
- Public awareness campaigns related to drafting laws, training of journalists and representatives of CSOs, as well as training of civil servants
- Monitoring of the law implementation
- Testing of the free access to information
- Monitoring of the visibility of the Program

Outcomes
- Increased number of contacts with public officials at central and local government level
- Established partnership relations with state institutions
- Involvement of the TI Croatia's leading experts in drafting the Proposal and the Final Proposal of the Law on the Conflict of Interest in Performance of Public Duties as members of the Task Force at the Ministry of Justice, Administration and Local Self-Government
- Participation of TI Croatia expert team in drafting the Law on Free Access to Information, later accepted as a Govermental Draft and sent to the Croatian Parliament for adoption

Conclusion

Strengths/Weaknesses
The strengths of the Program were the successful development and improvement of relevant legislation, active participation of civil society in the policy process and true cooperation between NGOs and state authorities. The major weakness was the complexity of activities to be undertaken in the relatively short period of time (3 years). All aspects of the Program (public awareness campaigns, legal drafting, lobbying for adoption of laws and monitoring the law implementation) were of the same importance and therefore had to be equally covered and harmonized.

Risks/Challenges
One of the big risks to the Program implementation was the change of the Government. The new Government came to power at the end of 2003 after the last parliamentary elections. Emergence of new actors required additional efforts to introduce the goals and objectives of the Program and thus slowed down its implementation.

Recommendations
- Apart from the permanent training of public officials to make sure that the general public is familiar with the normative standards and regulations concerning prevention of the conflict of interest and regulating the right to free access to information
- To constantly strengthen state institutions and build citizens' trust in those
- To lobby for limiting the discretionary power of bodies of the government administration
- To make more efforts to exercise the right to free access to information about all state institutions and involve citizens in control of the government performance

CZECH REPUBLIC

City Corruption-Propensity Index (INDEX V4)

Background Information

Project Description
The Project was targeted at designing an innovative comparative survey methodology to establish the existence and evaluate the functionality of anti-corruption institutions ("corruption propensity") in the public administration at local and regional levels. It was designed to focus on such institutions in the Visegrád Four (Czech Republic, Slovakia, Hungary, Poland hereinafter referred to as V4) capitals, rank those based on the quality of the existing anti-corruption public administration institutions and raise public awareness on the problem of corruption in the mentioned capitals. This was planned to serve as an effective tool to force the authorities of V4 capital cities to intensify the fight against corruption at all government levels in their cities.

Implementing Organization
Transparency International Czech Republic (TI Cz)

Partners/Networks
Polish Batory Foundation, Transparency International Slovakia and Transparency International Hungary were asked to disseminate the INDEX V4 results in their countries.

Funding/Support
- Local Government and Public Service Reform Initiative, Open Society Institute
- Partnership for Transparency Fund
- Global Opportunities Fund, British Foreign and Commonwealth Office

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Implementation of the Project

Target Groups
The target groups were representatives of V4 capitals' public administration institutions (both high-rank civil servants and members of elected bodies) as well as local NGOs.

Methodology
The methodology of the Project was based on two parts: gathering objective data concerning the (non)existence of selected anti-corruption tools in the normative framework, in which the public administration of the cities operated; and evaluating the anti-corruption institutions by means of a sociological survey. The study focused on public procurement, internal audit and control mechanisms, code of ethics, conflict of interest and access to information. The (non)existence of the anti-corruption institutions in the administration of the surveyed cities was disclosed by measuring against an "ideal" normative model of the city-level anti-corruption institutions developed in cooperation with selected anti-corruption experts. The collection of data was carried out through interviews with heads of city offices and heads of legislative departments (such as department of internal audit) as well as by the study of existing legal norms. The public opinion survey of 107 respondents in Prague and 100 in each of other cities comprised of the following groups: NGO representatives, entrepreneurs, journalists, civil servants working in city offices and elected city representatives. The sociological survey was carried out by a research agency with offices in all the Visegrád countries (GfK). Findings of both parts of the study were summarized in a numerical index ranking the capitals according to the existence and evaluation of the anti-corruption institutions in their systems of public administration.

Environment
The selected cities are capitals of four EU-entering countries that lie at the heart of Europe. The problems they are currently facing overlap to a large extent and, therefore, it would be possible to make a comparison among them.

In the meantime, Prague, Warsaw, Bratislava and Budapest are capitals of countries that despite having common interests are rivals in certain aspects (e.g. in terms of attracting foreign direct investment). Presumably, a positive rivalry among those cities could encourage more active anti-corruption efforts in cities with lower scores in the proposed Index V4. Additionally, TI Cz has recently initiated an anti-corruption co-operation among V4 capital cities by starting up a series of annual anti-corruption roundtables "Corruption-Free Town Halls in the V4 Region". The first roundtable took place in Prague at the beginning of February 2003. One of the outcomes of the Prague roundtable was a proposal to carry out corruption survey in V4 capitals on a comparative basis.

Activities

- Setting anti-corruption standards in the field of public procurement, internal audit and control mechanisms, codes of ethics, conflict of interest and access to information
- Organizing a tender for conducting a survey for both components of the Index
- Development of the methodology (questionnaires, etc.) of the Index
- Collection of data concerning the first part of the Index in the V4 capitals
- Collection of data concerning the second part of the Index in the V4 capitals
- Completion and calculation of the Index
- Presentation of the Index at a press conference in Prague and by means of press releases in other V4 capitals

Outcomes

- Developed innovative methodology suitable for comparing the existence and evaluating the functionality of anti-corruption tools in public administration in various countries
- Findings of the comparative survey related to public administration institutions of Prague, Bratislava, Budapest, and Warsaw

Conclusion

Strengths/Weaknesses

The Index is a powerful tool to attract public attention to the problem of corruption and curb corruption at local and regional level (through strong media coverage). Similarly, its results awake great interest in anti-corruption issues among the city representatives. The project weakness was the difficulty to communicate the survey findings to the media. Thus, though TI Cz attempted to explain that the Project is a survey referring to "the functionality of anti-corruption tools" in the public administration systems of the V4 capitals, the press reported about it as "the occurrence of corruption" in those cities.

Risks/Challenges

The main risk was that the results of the Index could be (and, actually, were) questioned by representatives of some of the surveyed cities. Particularly, the representatives of Bratislava challenged the results of the Index, despite the fact that TI Cz assured them the results were correct and maximum possible was done in order to ensure their validity.

The challenge was a need to improve the methodology in the following aspects:

- While V4 capitals are culturally close to each other (and it is, therefore, possible to include them in one comparative survey), it is conceivable that the methodology was applied to culturally different cities (regions). Therefore, it would be better to include the questions that could diminish culturally conditioned variances in the attitudes towards corruption
- Two interviews with high rank officials and examination of legal norms provided insufficient data, given the complexity of issues in question
- Since the selection of fields is also crucial for the success of any anti-corruption policy, it is a challenge to decide which ones should be targeted.

Recommendations

- To use the Index as a powerful tool for attracting public interest in combating corruption in other post-communist countries
- To adjust the questionnaire design and survey methodology to local conditions (e.g. to consider cultural and historical aspects or select the most critical fields)

GEORGIA

Transparency International Georgia Office
in the Parliament

Background Information

Project Description
The Transparency International Georgia Office in the Parliament is working to strengthen democracy in Georgia by acting as a link and facilitator between the legislative branch of government and civil society to enable the Georgian parliamentarians to make informed decisions about draft laws by eliciting expert advice and involving citizens and interest groups in the legislative process. This structure is actively seeking out, consolidating and disseminating advice on the potential impact of the most important draft laws and amendments. The Office is in constant communication with lawmakers, civil society organizations, independent national and international experts, interest groups and ordinary citizens, both within and outside Tbilisi. A short report summarizing the potential impacts of each draft law or package of amendments examined is made available to parliamentarians and the general public. It is not the commentary of the TIG Office itself; rather, it consolidates the comments solicited from citizens, experts, and interest groups.

Implementing Organization
Transparency International Georgia (TI G)

Partners/Networks
- Georgian Parliament
- Local NGOs
- Local experts
- Media

Funding/Support
Swiss Agency for Development and Cooperation

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Implementation of the Project

Target Groups
The Georgian parliamentarians, civil society groups, the general public as well as other interested parties are seen as the key target groups for this Project.

Methodology
The TI G Office in the Parliament acts as a facilitator and a connection between those who make the laws and those for whom the laws are made by helping the parliament to draw on the public input and specialists' expertise needed for adoption of effective laws and support of the reform process.

Environment
Since the country's independence, the Georgian legislation has largely evolved on an ad-hoc basis. Proposed laws and amendments were very quickly drafted (often secretly), not sufficiently debated within the Parliament, hardly ever debated outside parliament, and speedily passed without consideration of their wider long-term impacts or their relationships to other laws. Independent experts were rarely consulted, and the process was such that it was very difficult for outsiders (not directly involved in the legislative process) to give their input. The Georgian legislature often worked in isolation from civil society, resulting in the frequent passage of ill-advised laws and amendments, the impact of which was only fully understood long after they had come into force. This has undermined Georgia's governance, social welfare and economy.
Since the November 2003 elections, the Georgian political life has undergone a substantial change. Today, Georgia has a new president and a new parliament, both of which have committed themselves to combating corruption and rapidly enacting far-reaching reforms.

The first year for this new government and legislature will be crucial in determining the success or failure of these efforts. Even more, it may be crucial to determining the success or failure of democracy itself in Georgia.

Activities

* Identification of the most important draft laws based on their overall impact on the Georgian policy
* Making comments by several local and international (pro-bono) experts specialized in the field the draft falls (e.g. social security, taxation, education, transportation, environmental protection, local governance, etc.) on their legality and compatibility with other legislation; potential impact on society; relevance to international experience; and the recommended improvements
* Soliciting input electronically (by sending drafts to experts, receiving and distributing written comments), organizing public hearings outside of Tbilisi and expert discussions both inside and outside of the capital, in parallel with ongoing parliamentary hearings
* Finalization of the report summarizing various commentaries received on the draft amendments or law under discussion, sharing it with all parliamentary factions and independent parliamentarians and distributing in electronic format to civil society organizations and other interested parties
* Making the reports and the supporting materials for each of the draft laws available to interested groups and individuals, including the media

Outcomes

* Active involvement of civil society organizations and interest groups in the legislative process
* Increased participation of ordinary citizens in the shaping and making of laws
* Informed choices of lawmakers
* Improved quality of individual laws and the overall legislative framework
* Enhanced capacity of civil society actors, experts and parliamentarians to constructively work with each other for the greater benefit of all

Conclusion

Strengths/Weaknesses

One of the major components of this Project is the political will of the government to hear and take into account the thoughts and suggestions of the civil society groups during the decision-making. The existence of this will and the increased public demand for participation strengthens the Project. However, due to an aggressive reform program of the new government, the legislative process is sometimes rushed, leaving little time for the public to analyze the new initiatives and forward its opinions to the Parliament. In some cases, TI G was not able to organize resourceful input-gathering on the important legislative pieces due to the time constraints.

Risks/Challenges

One of the challenges was the right selection of experts to make sure that they are not only competent but politically and geographically representative. It was critical in this respect that TI G itself does not offer comment on the draft laws or amendments, but acts as a facilitator for public and expert comment.

Recommendations

* To introduce a similar project to the parliamentarians in advance to build their interest in the input solicited through the project implementation and make them feel that they are the beneficiaries
* To be fully informed regarding the recent developments in the Parliament and new initiatives inside the legislature to have enough time for organization of expert/public discussions around the issue
* To widen the geographical coverage of the project by involving regional NGOs and thus reducing the isolation of the regions from the decision-making in the capital
* To engage media in the process, taking into account that the parliamentarians tend to pay more attention to the discussions and opinions highlighted in the media
* To make the public aware of the project to feel stronger ownership of the legislative process
* To institutionalize the office (structure of information sharing between the legislature and the civil society) and eventually remove its coordinating functions

LITHUANIA

Political Corruption Awareness Project

Project Description

The main goal of the Project was to foster public discussion about the lack of transparency in political finance that could inspire the Parliament to come up with a legislation initiative to target political corruption. Since the politicians were neglecting the facts that their financing is not transparent, 10 credit management and audit companies were asked to conduct an analysis of the party financial declarations for the European Parliament Election of 2004. Two companies agreed to work free of charge. Their reports, as well as other relevant materials were given to the politicians willing to adopt the new law on political party financing. PR support, along with specific recommendations on the Law on Financing and Financing Control of Political Parties, were also provided. Particularly, debates concerning the Law were initiated by the idea that Lithuania needs to ban political advertising on TV and radio and at the same time adopt regulations similar to the British system of Party Political Broadcasting.

Implementing Organization

Transparency International Lithuanian Chapter (TILC)

Partners/Networks

- Credit management companies "Zvilgsnis is arciau" and „Infobankas", together with „Creditinfo", analyzed political finance declarations
- Freelance journalists Aurimas Perednis, Virgis Valentinavicius and Indre Makaraityte discussed the draft law with the Chaiman of the Parliament Arturas Paulauskas

Funding/Support

All work was done voluntarily and free of charge.

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Target Groups

The main target groups were journalists, politicians and civic society.

Methodology

The credit management companies looked for the clarity in the political finance declarations and questioned all ambiguous aspects. Based on available information, the press conference and interviews for influential media outlets were organized to attract media attention and provide with articles and comments on the discussed issue. The first draft law was criticized in accordance with the key concepts of transparency in party financing underlined in TI materials and publications.

Environment

The conditions were extremely favorable for the implementation of the Project. There was a corruption-related scandal in June 2004, when law enforcement officials stated that they suspected three members of the Parliament (Social Democrat Vytenis Andriukaitis, Social Liberal Vytautas Kvietkauskas and Conservative Arvydas Vidziunas) of having taken bribes of 25,000-90,000 litas (EUR 7,200-26,000) from "Rubikon Group" Chief Executive Officer Andrius Janukonis for influencing adoption of certain legal acts. Secretly recorded phone conversations between businessmen and politicians were leaked to the press and later officially declassified by the Parliamentary Commission. The Parliament rejected prosecutor's request to strip the lawmakers of their immunity and give a permission to prosecute them. However, the MPs gave up their mandates, and Kvietkauskas was even expelled from the party. The names of 4 Liberal Centrist parliamentarians were mentioned as well, but there was no follow-up on that. The political corruption scandals negatively affected public trust in political parties. Corruption of political parties and the lack of transparency in their finances became the hottest issue for the media.

Activities

- Request to 10 companies to check out official party financial declarations (only 2 out of which agreed to do that free of charge)
- Carrying out a research about transparency in party finances
- Organization of the PR campaign on relevant issues
- Recommendations on how to make political finances more transparent and less open to corruption, upon the initiative of the Chairman of the Parliament Arturas Paulauskas
- Making amendments to the draft Law on Financing and Financing Control of Political Parties, Political Organizations and Political Campaign

Outcomes

- More constructive public discourse about regulations of party financing
- PR support to the politicians promoting transparency in party finances
- Improved draft law regulating the field
- Raised public awareness about relevant issues, such as hidden political advertising, etc.

Conclusion

Strengths/Weaknesses

One of the main strengths of the Project was that it could draw the public attention to the issue of transparency of political finances and catalyze public debates on that topic. The other one is that the Parliament passed the improved legislation to regulate political parties' financing. However, the lack of public support to this initiative can be considered as a weakness.

Risks/Challenges

There was a resistance from the side of commercial TV owners, who were not supportive to the idea of banning political advertising, which would force them to provide politicians with free air time for their campaigns. For this reason, their journalists did not mention even a name of TILC and later even lost interest in all further activities within the Project.

Recommendations

- To learn in advance about the transparency standards in political party financing
- To have more background information on previous initiatives of state institutions with respect to the issue in question
- To follow-up on and use all the available data related to political corruption scandals in order to attract more attention to the necessity and importance of the proposed changes aimed at reducing corrupt opportunities in party finances
- To develop and use good PR techniques
- To propose very concrete legislative changes (recommendations)

POLAND

Gmina X (Community X)

Project Description

The Project was designed to identify and reduce the governance weaknesses that hamper business development in the Polish local administrative districts. The main components of the Project were the review of national-level legislation related to local business development, local legislation and actual practices in Czêstochowa, preparation of a community action plan and a manual for local businessmen, as well as establishment of a Legal and Business Advisory Center.

Implementing Organization

Transparency International Polska (TI Poland)

Partners/Networks

City Hall of Czêstochowa

Funding/Support

The World Bank

Contact Person

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Implementation of the Project

Target Groups

There were different target groups of the Project such as national legislative bodies and national government, local entrepreneurs and people, who were going to start business activity in Czêstochowa, as well as local officials (mayor, councilors, etc.) in the selected city.

Methodology

The Project Team consisted of 3 experts, who had good knowledge of developments at community level, legislation regulating local self-government and general management principles providing a basis for rational and effective local decision-making. They analized the national-level legislation related to local business development, examined the coherence and complexity of the legal system regulating self-governments, identified gaps in specific acts and regulations as well as in the whole self-governance system, set out administrative procedures that a business entrepreneur is required to go through, and reviewed relevant literature and judgments of the Constitutional Tribunal, the Supreme Court, the Supreme Administrative Court and Self-Government Appeal Courts. The community (gmina) selection was based on the following criteria for all the communities invited to participate: access to the documentation including archives; constant contact and cooperation with local employees; commitment for continuation of functioning of the local advisory center after the Project completion; gua-rantees for the implementation of the proposed changes in the local legislation, economic policy and internal procedures; and adequate location and available office equipment. The analysis of the local-level legislation and procedures related to business development was made in the same manner as for the national-level review to see if the former fills the gaps of the latter or open the new ones. The review of local legislation and its practices was conducted in close cooperation with local authorities and was also based on information received from local businesses, business associations and local media representatives. The development of the action plan for counteracting governance weaknesses in the community was based on the conclusions drawn from the review and analysis described above, including interviews with citizens, entrepreneurs, gmina employees and journalists; surveys to reveal legal awareness of citizens, businessmen and civil servants; examination of administrative procedures of the gmina and its satellites; and evaluation of the situation with local business investments in the gmina development.

Environment

The selected community, the City of Czêstochowa, is a medium size Polish town with 250, 000 inhabitants. The city is famous for being key destination of religious pilgrimages.

The level of unemployment amounts to more than 20% after the collapse of formerly state-owned big industrial companies. The new Mayor of the City was elected in the fall of 2002. One of his priorities is to counteract unemployment by activating local business development. Local Center for Entrepreneurial Support was founded in Czêstochowa. The City Hall was in the process of preparation of a development program for Special Economic Zone.

Activities

* Review and analysis of the national-level legislation related to local business development and preparation of the 100 page-report, which was sent to respective authorities involved in the law-making process.
* Press-conference jointly organized by TI Poland and the Warsaw Office of the World Bank to present the findings of the report
* Posting both Polish and English versions of the report on the website of TI Poland
* Selection of the community, signing a cooperation agreement with local authorities and announcing about that at the press-conference in Czestochowa
* Review of the actual practices in the selected community to identify specific areas for improvement
* Selection of an on-site Project manager to run the Legal and Business Advisory Center, which also served as a contact point with local people to gather the needed information
* Preparation of an action plan for the community to improve the effectiveness of business activities based on the conclusions drawn by the abovementioned review and analysis
* Preparation of a manual including general recommendations from the community action plan, a proposal of an ethical code of administrative procedures, best practice examples providing guidelines for local businessmen on how to stimulate the community councilors and administrative staff to properly fulfill their duties, etc.
* Establishment of Legal and Business Advisory Center and organization of conferences
* Organization of 2 conferences, in cooperation with the Gmina Office and Local Center for Entrepreneurial Support in Czêstochowa
* Creating a website (www.gmina.transparency.pl) to provide with information on the Project, its key findings, reports, publications, conference materials, etc.

Outcomes

* Increased interest of local and national press and, therefore, greater public interest in the topic generated due to the wider press coverage
* Additional queries received by the Project Team from other gminas interested in hosting an "anti-corruption review"
* Increased recognition by respective authorities of TI Poland as one of potential consulting organizations for the law-making manifested by further requests for comments on various draft laws
* The Czêstochowa City Hall engaged in implementation of the proposed action plan, intended to be evaluated 6 months later
* Manual for local business people and citizens available in the Local Centre for Entrepreneurial Support and on TI Poland website

Conclusion

Strengths/Weaknesses
Among the main strengths of the Project was good cooperation with local authorities, high level of professionalism of the selected experts and great attention and interest that were generated through the course of it implementation. The weakness was the lack of funding to run the Project in parallel with 2 other communities (a small village and a big agglomeration) to ensure a comparative analysis and more universal conclusions.

Risks/Challenges
The sustainability of the Project appeared to be the biggest challenge and simultaneously the greatest risk.

Recommendations
* To replicate the Project activities in other communities all around the country

RUSSIA

Monitoring of the Misuse of Administrative Resources during the Campaign for the December 2003 Russian Federal State Duma Elections

Project Description

This Project monitored the misuse of administrative resources of the state and public sector during the election campaign for the 2003 Russian Federal State Duma elections.

Its aim was to develop a pilot approach to understanding, classifying and monitoring the misuse of administrative resources during the election campaign and to test that approach; to construct a picture of the misuse of administrative resources during the electoral campaign, monitor and/or analyze the selected categories of misuse and illuminate some of the key dynamics of the process; as well as to draft specific recommendations for legislative and other changes to improve the situation.

The Project focused on the misuse of 3 types of administrative resources: institutional (personnel, property and infrastructure), budget (public funds from state and other public budgets and organizations) and media resources (media directly or indirectly controlled by the state).

Implementing Organizations
- Center for Anti-Corruption Research and Initiative Transparency International Russia
- Open Society Justice Initiative

Partners/Networks
- "Golos" Association
- The Moscow Helsinki Group
- "Grazhadanskiy Kontrol" NGO
- "INDEM" Foundation
- "Strategia" Center

Funding/Support

Open Society Justice Initiative

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Implementation of the Project

Target Groups

The Project targeted incumbent politicians and political parties who furthered their own prospects in the 2003 Russian Federal State Duma elections in violation of the formal and/or informal norms and responsibilities related to the exercise of public office in a democracy.

Methodology

The methodology used for this Project may be split into four main parts. First, it was producing a working definition of the misuse of administrative resources, deriving a working typology of instances of misuse in Russia, describing and analyzing the legal, regulatory and institutional framework. Second part was the conducting of targeted interviews to obtain more detailed information on administrative resources and place such misuse in the context of the election campaign as a whole. Thirdly, the media was monitored to collect evidence of the activities listed above. And, finally, the case studies were conducted to analyze the selected instances of misuse of administrative resources in detail.

Environment

Over the course of 2003, the misuse of administrative resources became one of the most popular terms in Russian political discourse. The main reason for this was that 2003 was an election year both at national level (the State Duma elections) and in a number of regions (gubernatorial elections). A striking phenomenon of all these elections was the active engagement of state officials, institutions and media in the election campaigns of particular candidates and parties.

Incumbent political forces misused a wide variety of administrative resources ranging from 'hard' resources such as the coercive powers of law enforcement agencies to 'soft' resources such as the budget and material resources of the state.

In the meantime, the legal and regulatory framework for Russian elections is extensive and detailed. It contains provisions that (in principle) guarantee equal access of parties and candidates to the campaign facilities and the media, and prohibit any use of the public office for the campaign purposes. However, there is a poor enforcement of campaign regulations. In addition, the media regulation is a key factor facilitating the misuse of administrative resources (particularly, use of the dominant state-controlled TV channels). The system of public broadcasting in Russia remains essentially unregulated by the law, and the country has not yet initiated any transition towards a public service broadcasting model. The ownership, structure and management of state-controlled broadcasters are defined not by the Media Law but by the charters of the respective companies approved by the Federal Government or Presidential decrees. The infrastructure of broadcasting in Russia, one of the two main national channels and local state broadcasters, are directly or indirectly subordinate to the President.

Activities
* Development of an analytical and monitoring framework
* Monitoring of election campaigns (through interviews, media monitoring, case studies, reports from other monitors on instances of misuse of administrative resources)
* Conducting analysis of the monitoring results, making recommendations and reports
* Formulation of a comprehensive and wide-ranging advocacy strategy to promote reforms in the field

Outcomes
* Developed bibliography of literature and materials related to the subject of misuse of administrative resource electoral fraud and manipulation of elections
* Created database of electoral and related laws and regulations of the Russian Federation
* Drafted working paper on the misuse of administrative resource
* Created database of instances of misuse of administrative resource detected by the media monitoring
* Five case studies with detailed analysis
* 12 interviews providing in-depth information on the nature of Russian election campaigns and the misuse of all types of administrative resources
* Finalized report of the Project findings
* Developed software program facilitating more efficient processing of monitoring results, in particular the findings of media monitoring, and automatically calculating their financial impact.

Conclusion

Strengths/Weaknesses
The strengths of the Project included the first detailed definition of the administrative resource misuse and typology of the administrative resource misuse. Also, it was critical that the monitoring revealed that the media resources were systematically misused during the campaign period (mainly, for the benefit of the United Russia Party); institutional resources were also widely abused; the limit on campaign spending was exceeded; coercive types of administrative resources were misused to a significant extent as well; election commissions at all levels failed to enforce campaign regulations; the courts proved ineffective at enforcing campaign regulations, etc. Another strength was that concrete legislative recommendations were made concerning the legal definition of campaigning, prohibitions on the use of public office for campaign purposes, sanctions for violation of campaign laws, the composition and enforcement role of election commissions and the role of the courts, measures to mobilize popular pressure against misuse of administrative resources, reform of the state broadcasting media and regulation of the private one.

Meanwhile, there were some methodological limitations such as the relative lack of clarity of typology of budget administrative resource misuse

concerning different subjects of the financial decision making in the country or the absence of a more clear system of documentation of instances to provide more details for the secondary analysis of cases.

Risks/Challenges
The campaign-related activities began as soon as the elections were announced, not at the moment of the official start of the campaigns, due to which some information was missed. Private media and magazines provided less reporting on the cases of administrative resource abuse than it was expected. Lastly, the political parties and institutions involved in particular instances failed to reply to any requests for information regarding case studies.

Recommendations
* To include an in-depth analysis of the legal environment, with the specific aim of identifying loopholes in the legislation that facilitate the misuse of administrative resources, in the first phase of monitoring
* To pay more attention to a clear definition of administrative resources in a preparatory phase of the Project
* To formalize partnerships with other monitoring organizations to yield systematic findings
* To lay down criteria for identifying "unequal" access of parties to media space and time prior to the start of the media monitoring
* To include more targeted interviews, with a larger number of electoral campaign actors
* To conduct case studies as a necessary part of any monitoring of the misuse of administrative resources

NOTES

2005

	JANUARY	FEBRUARY	MARCH
MON	3 10 17 24 31	7 14 21 28	7 14 21 28
TUE	4 11 18 25	1 8 15 22	1 8 15 22 29
WED	5 12 19 26	2 9 16 23	2 9 16 23 30
THU	6 13 20 27	3 10 17 24	3 10 17 24 31
FRI	7 14 21 28	4 11 18 25	4 11 18 25
SAT	1 8 15 22 29	5 12 19 26	5 12 19 26
SUN	2 9 16 23 30	6 13 20 27	6 13 20 27

	APRIL	MAY	JUNE
MON	4 11 18 25	2 9 16 23 30	6 13 20 27
TUE	5 12 19 26	3 10 17 24 31	7 14 21 28
WED	6 13 20 27	4 11 18 25	1 8 15 22 29
THU	7 14 21 28	5 12 19 26	2 9 16 23 30
FRI	1 8 15 22 29	6 13 20 27	3 10 17 24
SAT	2 9 16 23 30	7 14 21 28	4 11 18 25
SUN	3 10 17 24	1 8 15 22 29	5 12 19 26

	JULY	AUGUST	SEPTEMBER
MON	4 11 18 25	1 8 15 22 29	5 12 19 26
TUE	5 12 19 26	2 9 16 23 30	6 13 20 27
WED	6 13 20 27	3 10 17 24 31	7 14 21 28
THU	7 14 21 28	4 11 18 25	1 8 15 22 29
FRI	1 8 15 22 29	5 12 19 26	2 9 16 23 30
SAT	2 9 16 23 30	6 13 20 27	3 10 17 24
SUN	3 10 17 24 31	7 14 21 28	4 11 18 25

	OCTOBER	NOVEMBER	DECEMBER
MON	3 10 17 24 31	7 14 21 28	5 12 19 26
TUE	4 11 18 25	1 8 15 22 29	6 13 20 27
WED	5 12 19 26	2 9 16 23 30	7 14 21 28
THU	6 13 20 27	3 10 17 24	1 8 15 22 29
FRI	7 14 21 28	4 11 18 25	2 9 16 23 30
SAT	1 8 15 22 29	5 12 19 26	3 10 17 24 31
SUN	2 9 16 23 30	6 13 20 27	4 11 18 25