



RESEARCH PROJECT: “ALACs”

Promotion of Participation



and Citizenship in Europe

Promotion of Participation and Citizenship in Europe through the “Advocacy and Legal Advice Centres (ALACs)” of Transparency International. Analysis and Enhancement of an Anti-corruption Tool to Enable Better Informed and Effective Citizen Participation in Europe

Project no.: 225374

Instrument: Project targeted to special groups - CSOs (BSG)

Thematic Priority: Theme SSH-2007.5.1.1

Theme Title: Area 8.5.1 Participation and Citizenship in Europe

Deliverable No 4

Evaluation of structure and effectiveness of ALACs mechanism in operation in CZ, RO, BIH and AZ⁵ and recommendations for its improvement

Due date of deliverable: December 2010

Actual submission date: January 2010

Start date of project: 1st September 2009

Duration: September 2009-August 2012

Organisation name of lead contractor for this deliverable: University of Konstanz

Revision (Draft 1: January 2010)

Dissemination level: Public

⁵ Czech Republic, Romania, Bosnia-Herzegovina, Azerbaijan.

TABLE OF CONTENTS

INTRODUCTION.....	3
MEHTODOLOGICAL APPROACH.....	4
ANALYSIS OF THE ALAC IN THE CZECH REPUBLIC.....	4
ANALYSIS OF THE ALAC IN ROMANIA.....	15
ANALYSIS OF THE ALAC IN BOSNIA AND HERZEGOVINA.....	29
ANALYSIS OF THE ALAC IN AZERBAIJAN.....	45
COMPARISON OF ALACS ACROSS CATEGORIES.....	59
CONCLUSION AND RECOMMENDATIONS.....	70

INTRODUCTION

In establishing the Advocacy and Legal Advice Centres (ALACs), Transparency International (TI) created an innovative tool in the fight against corruption. The ALAC project's particular achievement is to expand Transparency's work by various dimensions of citizen involvement. Introducing the ALACs has guaranteed active citizen involvement in the fight against corruption, as well as ensuring that this fight is carried out in ways that directly address concrete citizen concerns.

The ALAC project is at the centre of Transparency's work. The Advocacy and Legal Advice services mark two interconnected, key areas of the fight against corruption. In the first case, Legal Advice includes all those activities which advise citizens of their statutory legal options for making their grievances about corruption heard. In the second case, ALAC staff and activists collect and standardise data used as an empirical basis from which to plan and perfect various Advocacy measures. Such measures systematically address the conditions in which corruption thrives.

The public perception of the ALAC is of a citizen-facing institution dealing with matters related to corruption, while the ALAC's internal role is to document grievances received and process these on an empirical basis. Using the cases of corruption which citizens report, country-specific corruption profiles are prepared which serve as the knowledge base for various Advocacy measures. This dual orientation in the ALAC concept aims on the one hand to encourage citizen participation in ways specific to each country, while on the other hand the project represents an efficient manner in which to generate data specifically about corruption. Thus the areas of Legal Advice and Advocacy work together in ways which might be compared to interconnecting gears and wheels. As well as assessing individual cases of corruption, the ALACs set in motion measures to create systematic change in the conditions under which corruption can take root.

The ALAC project was from the beginning conceived as a flexible package of measures which could be adjusted to suit specific conditions in the various countries where it is implemented. The following case studies of the ALACs in Azerbaijan, Bosnia-Herzegovina, Romania and the Czech Republic show how the ALAC concept has been adjusted and implemented in each country. This reveals local dynamics in the global fight against corruption.

METHODOLOGICAL APPROACH

The data that provide the basis for the present analysis are composed of expert interviews (over a period amounting from half an hour to three hours), which the members of our research team (Angelos Giannakopoulos, Kostas Maras, Ralf Rogowski, Dirk Tänzler) conducted with representatives of the individual National Chapters of Transparency International, i.e., the Czech Republic, Romania, Bosnia and Herzegovina, and Azerbaijan. These interviews were realised on site within so-called face-to-face situations. Afterwards, our assistants transcribed the recorded interviews for the purpose of a thorough analysis.

Moreover, the evaluation involves records, memos and minutes of observations and discussions made or held following to the interviews. The elaboration of the report was also supported by topic-centred discussions within the research group. This team-oriented approach that ties up with the process-focused methodology of the “Grounded Theory“ according to Anselm Strauss, has organised the evaluation and interpretation of the featured data sets and warrants a methodically controlled and empirically substantiated description of the different work and organisation forms becoming virulent in the course an ALAC implementation. The application of this – in its core – hermeneutic process facilitates the presentation of the individual ALAC implementations, taking the particular interpretations of the participating actors and the organisational structures into account. Last but not least this provides a view on the cultural specialties qualified to influence the institutionalisation of the ALACs. At the same time, the permanent comparisons and discussions of the presentations held and prepared by the research team help to avoid hasty conclusions within the evaluation process, and to develop the evidence-based structural hypotheses out of the data material on a step-by-step basis instead. After completion of the report, the examination results of the individual ALAC actors from the different countries were reviewed and corrected. This process supported the validity of the report.

ANALYSIS OF ALAC IN THE CZECH REPUBLIC

Pre-ALAC Phase. Institutionalisation¹

The Transparency International chapter in the Czech Republic (TIC) was founded in 1998 as a *civic association*. In 2005, in accordance with the Czech constitution, it was transformed into a *public beneficiary organisation* (trust). Ever since, TIC holds the formal status of an NGO - but without membership. The transformation was pushed through with the argument that the chapter had too many members, which was said to be the cause of many impediments to its mission. For instance, regular annual meetings were accompanied by political campaigns, which often had undesirable consequences, such as increasing partisanship within the organisation. Another argument was that many members represented their individual interests in the name of the TI-organisation, severely damaging the image various institutions and partners had.

Immediately after the transformation and within the same year, the Czech ALAC was founded. Its acceptance among TIC staff was not given from the start, but had to be earned over time. Among the important steps was the launch of a hotline service in 2007, which created a permanent channel through which information could flow on behalf of the Czech citizens. It also facilitated the hiring of new employees, in particular young lawyers and law students. Accordingly, this increased TIC's legal competencies. From the start, the ALAC programme was supposed to look after clients: to take in their complaints, advise them and – under certain circumstances – take legal measures.

The ALAC Phase: Institutionalisation

Since the start of the ALAC programme in 2005, the number of TIC staff has increased. From originally seven or eight persons it has grown to 13, of which some are temporarily employed and work only two or three days a week (e.g., law students). The ALAC programme has a project manager who reports constantly to the "Chef Chapters". The ALAC leader is in charge of sponsors, external media contacts and all of ALAC's internal affairs. The members of the chapters and of ALAC Czech Republic earn relatively well in comparison to the average income.

It is part of TIC's philosophy that its mission is based on three principal pillars or operations: (1) Education and training (cooperation with respective governmental institutions, e.g., local administrations or ministries), (2) the ALAC project and (3) the so-called *specific targeting projects*. The ALAC project is highly relevant since the information accumulated through its activities has proven to be very helpful for the professionalization of the other two principal operations.

¹ All quotations are derived from personal interviews. In order to protect their privacy, no further information on interviewees is given.

Topical action orientation of ALAC Czech Republic

The extremely strong public-institutional centralisation in the socialist era is counteracted by a gradual decentralisation process, which equips local administrations with ever increasing distribution power. This tendency gains even more importance due to the fact that the stream of subsidies from the Czech and EU budgets is increasing. For instance, the Czech government is supposed to receive the enormous sum of 800 billion Czech korun (approx. EUR 31 billion) from EU funds in the next six years. Currently, there are about 6,500 local administrations for a total population of ten million in the Czech Republic. When the Czech Republic joined the EU in 2004, the pressure to fulfil the preconditions for EU membership suddenly disappeared, which is why the reforms remained uncompleted. Add to this the above-mentioned distribution power of elected local politicians (mayors, members of local councils) and their lack of professionalism, and one may easily recognise the favourable conditions for corruption on this level. Since the start of the ALAC programme in the Czech Republic in 2005, most charges of corruption concern the municipal level of administration.

This does not necessarily mean that *big corruption* is not an issue. A possible explanation for the fact that large companies affected by corruption have no interest in working with ALAC is that they only cooperate with large law firms. ALAC's competence is confined to a lower level of corruption, on which the offered service of "free legal advice" is in demand. Further proof of this assumption is the fact that the Czech ALAC was partly involved in only five of the 50 most significant nationwide cases of corruption and only a further five were initiated by ALAC itself.

Sources of financing

TIC tries to keep the ALAC project financially independently of its other activities. The ALAC programme in the Czech Republic has two basic sources of financing: the Czech government and EU funds. The hotline service for instance is financed entirely by the Ministry for Domestic Affairs until 2010. In the event that the project runs out of money, it is possible – in extraordinary cases – to organize additional funds from TIS or other sources.

1. ALAC services

1.1 Legal Advice

This type of service is the most common among the daily contacts via the hotline or email (five to ten contacts a day). The daily routine consists of answering emails, arranging meetings with clients and the ALAC team's collective meetings once every two weeks. Law students often work the hotline service. When there are ambiguities or uncertainties they always can consult the more experienced colleagues and/or fully qualified lawyers, as they all work in the same open-plan office.

1.1.1 Actors' self-conception

This is a general consulting process, i.e. basic or general legal support. This procedure allows the respective client to obtain specific information on judicial rights, on the governmental institutions responsible for the individual problem, on what may be demanded of the governmental institutions and which specific court procedures can be brought in the case.

1.1.2 Specific help

The *legal advice* phase is also more or less a moment of selection, in which the ALAC employee takes a complaint and either: (1) assesses it as promising, or (2) eliminates it due to nescience on behalf of the client or because the case lies outside of the employee's professional competence. The ALAC employee is in a rather powerless position when court procedures are already underway. In the promising cases, the ALAC employee will ask the client for as much information and proof as possible in order to safeguard the employee's engagement, e.g., initiating court proceedings. What the employee is dealing with could be malpractice on the administrative level, on behalf of a specific local administration, on behalf of a privatisation process, etc. In some cases, ALAC employees have the possibility to advise the client even before the suspected malpractice has occurred.

1.2 Advocacy

1.2.1 Actors' self-conception

As mentioned above, the ALAC programme is used by TIC as a separate enterprise that takes place next to public policy projects and the training and teaching work with public authorities. There are different interpretations of *advocacy* within TIC and ALAC. TIC supports the idea of using the term advocacy as an umbrella term for all those activities typical for NGOs, e.g. watchdog, public policy or lobbying. In general, TIC argues that the term advocacy must be redefined and understood over and over again in various societal and institutional contexts.

ALAC employees define the term advocacy differently. Its essence lies in giving the persons that turn to ALAC the specific means to solve their problems themselves, instead of making decisions for them. That means that the responsibility should remain with the clients. Furthermore, the employees define ALAC as an advocacy centre that operates as a sort of law firm, except that it offers services free of charge. In certain cases, the Czech organisation uses the ALAC tool to advise as well as represent. If the case matches ALAC's profile, the client receives extended legal support, and only subsequently does ALAC engage 100 percent (see the example of *ecological tender*² as a *high profile case*). Even though representation by a

² In this context, the Ministry of Finance commissioned a major contract of EUR 5 billion without public procurement. The case became ALAC's largest in Prague. ALAC employees engaged economists and lawyers as external specialists to work out background analyses on the basis of which the chapter then acted. In the end, the antitrust division was alerted. The chapter publically called for the ministry to allow for a public debate on this

lawyer in court does not correspond with the ALAC's concept, the Czech ALAC representation takes the local circumstances into account and adapts to this practice. The chapter and the ALAC team in Prague are always willing to discuss this autonomous decision-finding approach with TIS.

1.2.2 Case Advocacy

Creating a connection between anti-corruption and citizens' participation through the ALAC tool not only means increasing the citizens' willingness to speak up but, in a way, channelling it. ALAC's role as intermediary means selecting among the vast amount of information from reported cases of corruption in order to determine what goes beyond the private interest and must be interpreted as whistle-blowing. In addition, ALAC's case advocacy role aims to increase the average citizen's trust in the governmental institutions with which ALAC cooperates. ALAC's work always begins with specific individual cases and, accordingly, with small advocacy. In this context, the idea of TI as a policy maker always remains. The decisive moment lies in bringing these two levels in connection with each other in order to finally promote 'advocacy for systemic change, for social change, for change in attitudes on a political level'. If one sees the chapter as originally focused on the representation of public interest, ALAC is the bridge between 'the client's perspective' and the public interest.

The biggest danger lies in the passiveness of the clients. In this context, ALAC employees in Prague regard whistleblowers as most problematic as far as whistleblowers take up a 'do it for me' position. Instead, citizens must actively support ALAC in its watchdog role. Considering that there are 6,500 municipal administrations in the Czech Republic, ALAC cannot possibly fulfil its watchdog role alone. Case advocacy also represents a model by which the average citizen can deal with perspective institutions. That means that ALAC employees regard their role clearly as a professional intermediary that should fulfil the task of 'finding the way for the regular citizen' vis-à-vis governmental institutions (whom citizens approach with distrust). ALAC's principle is reinforced by the professional collection of relevant information as well as observation and initiation of specific court procedures, by which it seeks gaps in the law on the basis of existing isolated cases in order to improve the system. However, the system cannot be changed so long as the people do not adopt the public interest as their own in day-to-day life. As opposed to the Romanian ALAC, which does not recommend to whistleblowers in-court representation by a specific lawyer, this service is offered by the Czech ALAC staff.

'ecological tender'. It hosted three public conferences on this topic and by doing so collected further, extensive information from insiders and whistleblowers.

1.2.3 Public Advocacy

Public advocacy means advocacy of certain topics. Regarding the identification of these topics, the leitmotif is orientation to the dominant socio-political discourses, the so-called ‘burning’ issues. TIC is aware of its own meaning as a think tank on the market of ideas and has no plans to lose it. Viewed in this light, the relevance of topics such as party financing, public contracting or whistle-blowing seem to merely be defined as a discourse, which also makes the point for a certain relativisation of the ALAC programme's emphases. The metaphorical statement ‘we are like chameleons’ confirms such a philosophy of conduct on behalf of the chapter as an NGO. Public advocacy is unthinkable without the collection of successful and unsuccessful cases in the course of problem analysis, which is a function of ALAC.

2. Organisational level of the ALAC

2.1 Relation between TIS and ALAC

In general, ALAC views and accepts TIS’ guidelines regarding philosophy and politics as helpful. However, the chapter in Prague rejects the idea of a general administration for ALAC and regards the secretariat structure in Berlin as necessary in order to coordinate and more or less standardise the entire enterprise. The chapter is completely independent by definition of the Czech constitution and works by the ‘share the brand’ principle. It is constantly in contact with TIS, the basis for cooperation being regular meetings, reports and financial support through emergency funds from TIS. Yet, TIC feels that consultations with Berlin are not necessary for every individual decision. Conversely, TIC gets feedback from TIC, e.g. during the preparation of Agenda 2015. Generally speaking, TIC views TIS’ lack of hierarchical structure as an advantage.

2.2 Relation between TIC and ALAC

TIC takes a specific stand regarding the ALAC programme. The view that the ALAC enterprise should be seen as an important part of overall activity, dominates. The main argument here is that the Czech chapter already started eight years ago (i.e., before the founding of ALAC) to deal with individual complaints of corruption and that, under local circumstances, the ALAC project can be seen as a separate project that refers to this service. Given the chapter’s already existing services, it would be inappropriate to simply identify them with ALAC.

By creating the ALAC structure, TIC’s ability to act has been improved and specified. On the other hand, the conclusion has been drawn that since the founding of ALAC the chapter is increasingly in conflict with various institutions. One of the genuine procedures of TIC involves the so-called *aggressive* or *nasty letters*, addressed to institutions suspected of malpractice. This corresponds with TIC’s renunciation of the *no naming, no shaming* policy

that it still followed even ten years ago. This point also illustrates the further discrepancy in conduct and the internal conflict between TIC and the Czech ALAC. ALAC staff share TIC's view on how to deal with potential clients, but call into question the usefulness of 'nasty letters' as they are of the opinion that cooperation with the respective institutions is more sensible than conflict. That is also the reason why such an emphasis is placed on the ALAC staff's professional background – all have worked and been trained as lawyers. Daily internal conflicts within the chapter suggest that it sees itself as an important and privileged actor in the service of society as a whole. ALAC staff still compare the chapter to an average citizen, when it demands information from public authorities. Conversely, the chapter also manifests a certain sense of reproach towards the ALAC team. It is pointed out that what ALAC is doing is more visible and that it leads to quick and specific results (e.g., concrete investigations or court procedures, revisions of governmental mistakes). A new regulation by law is regarded as a very tiresome and long-term enterprise, at the end of which no one can take full credit since additional actors are involved (politicians, other NGOs, etc.). Despite this potential for conflict, the pursuit of possibilities and forms of integration area a priority for TIC. Five of nine board members come from a juristic background. ALAC staff are also not confined to this project alone - they and their capacities are also needed elsewhere (e.g. participation in other projects, in work with mass media). Finally, the Czech ALAC also has made a specific contribution to knowledge transfer (to Bosnia and Georgia; willingness to cooperate is also given with regards to Armenia).

2.3 Staff

Professional realisation of the ALAC concept demands for a team of skilled specialists with juristic training. In the end, ALAC staff are aiming at 'empowering the people to speak up'. They see their contribution in 'professional speaking for others in the past'. Still, the client is expected to remain the more active party 'because what they (the people) need very badly in the Czech Republic is to trust in the institutions and trust in the rule of law'.

2.4. Population

Statistical data show that only two percent of those who witness corruption are willing to contact an NGO or the anonymous hotline service. Also, the ALAC representation shares the opinion that what happens on the level of local administration occurs just as much on the level of higher governmental institutions – but no one hands in complaints on this. This circumstance is described as lamentable since ALAC deems this higher level especially important. There have been specific calls about the misuse of EU funds, but to identify an act of corruption on this level is viewed as 'very sophisticated'.

'To bring people to the state' was also the original idea behind the hotline service. Creating professionally a connection between anti-corruption and citizens' participation along the lines of 'empowering to speak up' consist of multiple consecutive steps and various requirements. Apart from legal advice and the initiation of court procedures in evident cases of corruption

on the level of criminal law or administrative order, the Czech ALAC also practices court representation, as well as creating case reports and working with the media.

3. Cooperation between ALAC and the government

The cooperation between ALAC and the Czech government comprises the financing and organisation of the hotline service, a special TV ad as well as seminars. On the website of the Ministry of Domestic Affairs, there was a link to the hotline service until 2010. It is the ALAC project manager's duty to regularly send progress reports to the ministry. These do not mention any names but focus on information in form of statistics and overall results. Information on specific cases from the ALAC database is included in TIC's training programme for staff in governmental agencies. In seminars, the chapter is usually represented both by a non-lawyer and a lawyer to achieve an interdisciplinary portrayal of the problem. Czech TI employees have developed a five-step module from the ALAC database that they call 'map of risks' of public procurement and that is separated into the following themes: (1) notification, (2) creation of the raised documents, (3) main process of procurement, (4) realisation and (5) the control of realisation or execution of the contract.

TI's excellent reputation in the Czech Republic as the most visible NGO in the area of corruption is a great advantage of ALAC. Governmental institutions express a relatively high degree of trust and respect towards the local chapter. In this context, TIC rejects the idea that, in its cooperation with the Czech government and the Ministry of Domestic Affairs, it is supposed to act as the sole guarantor for anti-corruption policy. This only leads to a clear discrepancy between what the interacting partners expect, because "it is sometimes like that: the government does not provide anything. Then, they desperately ask: Do you have anything in hand? Can you help us to design a project, to design a proposal, to draft legislation sometime? And we do that. But it's something which should be changed".

ALAC staff feel particularly powerless and restricted in their function as investigators, when, on a certain level, they must hand over the information collected on a specific individual or collective actor to the governmental control institutions, e.g., a police authority or the district attorney. This problem reinforces itself in the light of the unreliability of governmental institutions in the Czech Republic (e.g., the Ministry of Domestic Affairs). And yet, during the entire cooperation with governmental institutions, the chapter tries to find gaps in the law, namely on the basis of an evaluation of reported cases of corruption that ALAC classifies as 'failed'. Hence, they also develop specific recommendations that are handed in to the governmental institutions in charge.

4. ALAC's cooperation

Apart from the government, the Czech chapter also works with district attorneys. Even though in principle there is a consensus with these, in practice this rarely yields results because the district attorneys appear to be too busy.

Looking for objective criteria to support that the the Czech ALACs entire range of activities does indeed represent the common interest, one should argue in a procedural way.

That means that the decision process must be transparent and always fashioned by the public discourse and expert opinion, independent of negative effects that may result. All of this requires cooperation that ALAC Prague should constantly initiate and foster.

4.1. Cooperation with other NGOs

TIC takes an active part in the design and regulation of lobbyism by law. Furthermore, the emphasis of ALAC in the Czech Republic lies on the area of local administration. Until the moment of our investigation, this primarily concerned suggestions on legal regulation of a clear division of responsibility for decisions made by collective organs on the municipal and state level. The reasons for this lie in the fact that it often leads to negative consequences for the governmental budget and the uncertainty of who is responsible for it. In this context, ALAC in Prague has created a coalition with various foundations.

4.2 Cooperation with the media

For TIC and ALAC in the Czech Republic, participation in public debates in the mass media is taken for granted. ALAC staff regard themselves as part of the media sector. However, as opposed to journalists, who may accuse certain persons of corruption, ALAC leaves this to the executive and judicative. It is often lamented that ALAC is helpless when it comes to a case of corruption that is not evident, i.e., when the suspicion is merely based on a call made to members of governmental institutions. Yet, there are also possibilities for action in the initiation of a public debate, not just in a full-blown court procedure. Such a debate draws public attention to certain dysfunctions in the system. Another way to communicate and cooperate with governmental institutions is participation in a round table discussion. A good example for this is ALAC's recommendations for a new legal regulation in the area of public procurement, both on the national and municipal level. Finally, media and advertising campaigns always present a worthwhile activity. Every time the head of TIC is on TV, the number of hotline calls increases the next day.

5. Whistleblower

5.1 Societal framework of whistle-blowing

Since the start of Czech ALAC, most hints of corruption via hotline or email concern local administration. They involve problems of transparency that occur during the privatisation or leaving of municipal property and procurements. The ALAC team assumes that Czech citizens are much more capable at taking public control of local administrations than a higher

political entity. This is due to the immediate, daily contact and the citizen's regular dependence on local government.

What counts for ALAC's work is not the amount of cases of corruption reported and treated, but the relevance of each individual case. Many of the reports are based on misunderstandings of labour law, on nescience, or lie outside of the goals of ALAC altogether, i.e., outside of the public interest. In every process of investigation, ALAC does not only look at the relevance of the reported case of corruption but also the motives of the potential whistleblower. Since the founding of ALAC in the Czech Republic, only 25 clients have been identified as whistleblowers.

Additional problems in the Czech ALAC's work lie in the lacking of a 'proper' definition of whistleblower. The most common understanding is that this must be an insider. Based on this supposition, TIC and ALAC in Prague separated whistleblowers into two categories: The first type of whistleblower has already reported the incident of corruption to other institutions, but to no avail. The client then turned to ALAC pleading for help, either to get legal advice and/or representation, or for an expert opinion on how to proceed. In general, the client's primary motivation is to personal defence. From ALAC's perspective, this type is categorized as 'ex post whistleblower'. The second type ('ex ante') has turned to ALAC with specific information on a certain case of corruption but is not sure how to handle it and therefore requires advice. In the end, the Czech ALAC staff have come to the conclusion that the second type is more interesting and promising from an advocacy point of view. The reason is that ALAC has more room for manoeuvre in this case and this type of whistleblower is potentially more apt to represent the public interest.

An interesting point is made by one of the employees, in trying to interpret the phenomenon of whistle-blowing in the local cultural context. He originally takes as a starting point the expert opinion that 'whistle-blowing somehow has some relation to the freedom of information act because it is a tool to control governmental institutions, and state authorities'. Concerning the cultural condition of whistle-blowing in the Czech Republic, the employee stated whistle-blowing can take a whole different meaning, which has a lot to do with its socialist past. In the communist regime, whistleblowers or informants were regarded as traitors or sneaks – an opinion that obvious has survived to the present day. In this regard, ALAC actors themselves see it as their mission to convince informants and the public that the act of whistle-blowing is an important measure to protect public interest.

5.2 Legal protection of whistleblowers

One of the advantages of ALAC's hands-on anti-corruption work is that staff can contribute very specifically through recommendations and political advice to the solution of a problem. They are always able to say: section X of the law should be modified, institution Y needs more staff, this deficiency must be removed, etc. (see *ibidem*). The Czech ALAC has so far tried to draft a *whistleblower proposal* law that guarantees whistleblowers' rights in the future. The draft is part of the above-mentioned *public oriented projects*. To this end, a

thematic coalition between TIC and other national chapters was formed. The original goal was to analyse how protection of whistleblowers in the Czech Republic could work. The necessary research and analysis have been executed by ALAC Prague on the basis of their own experience. This work accounts for the enterprise's main success since the specific draft law was never implemented (the government's anti-corruption committee could not fathom external persons that are not members of governmental investigation units, collecting such information). The Czech media demonstrated equally little understanding for whistleblowing. Another option lies in a number of specific proposals that aim to ameliorate the whistleblower's situation, for example, the idea that whistleblowers are treated as witnesses to be protected during police investigation or a court procedure. This entails the right to remain anonymous and to be treated as a victim, which in turn enables access to confidential documents of the lawsuit. TIC has recognized a new challenge here with regards to advocacy.

6. Case-specific summary

From a culture-specific point of view, the Czech staff of TIC and ALAC point out that Czech politicians break the rules very frequently. In addition, Czech citizens do not strictly conform to the law in everyday life themselves. Trust in governmental institutions is relatively low and one gets the impression that one is going around in a vicious circle: When you do not trust governmental institutions or do not expect efficacy of them, they will indeed malfunction.

Still, there is no 'petty corruption' in the Czech Republic since main institutions like the education or healthcare system and, to some extent, administrative departments function orderly. Citizens are therefore not forced to bribe in order to lead a decent life. TIC and the ALAC in Prague expect the EU commission to combat corruption more aggressively on the local level and they point out the work of OLAF as an appropriate example hereof.

Financing on behalf of the Ministry of Domestic Affairs is on the one hand seen as a close cooperation that allowed for ALAC's activities in the first place; on the other, it is viewed as problematic since TI's good reputation could be damaged if it is perceived as too close to the government. ALAC's concept – that allows for close cooperation with governmental institutions – is said to have destroyed 'that innocent feeling' that TI represents the public interest exclusively.

The fact that the chapter in Prague does not cooperate effectively with the private sector is explained by the ALAC team's 'free access to information act' approach. Thereafter, ALAC staff have the right to demand access to certain information of local governments, which is not the case in the private sector. Also, ALAC Prague has no specialists in the area of business law. The great dilemma of the Czech ALAC is its obligation to reconcile trust in governmental institutions and justified public criticism of the same.

ANALYSIS OF THE ALAC IN ROMANIA

1. ALAC Services

In opening the Advocacy and Legal Advice Centre (ALAC) in Romania in 2003, Transparency International (TI) introduced an innovative means to combat corruption through active citizen engagement. The ALAC is exceptional because, from the moment it opened, TI's work gained an extra dimension of citizen participation. Based on the 'grass-roots approach', ALAC thus stands for a strategic shift in the fight against corruption, now firmly linked to the citizenry's concrete needs and requirements. The ALAC project and accomplishments thereby become an expression of the TI-Romania's engagement to grassroots approach of the fight against corruption. On the one hand the ALAC allowed citizens to take their own initiatives in fighting corruption, grounded on improved knowledge of the anticorruption instruments, and on the other hand that the ALAC allowed TI-Romania substantiate its advocacy efforts on concrete grass-roots data. Thus it becomes clear that in the case of the ALAC, we are dealing with a civic society institution in the fight against corruption which must to a certain extent reconcile two diametrically opposed qualities: (a) it is an efficient management tool to collect data about corruption, and (b) it is a means to stimulate and strengthen active citizen participation against corruption. The services offered by the various ALACs fall under two complementary headings: Legal Advice and Advocacy. In the following case study, the ALAC in Bucharest serves to illustrate these two services, based on evaluated interviews with Romanian ALAC staff members.

1.1 Legal advice

A central service offered by TI Romania is in the area of Legal Advice. TI Romania offers free legal advice, in the sense of information and guidance about the law, to those who have witnessed corruption as well as to victims of corrupt practices. In the dedicated ALAC offices in Bucharest, specially trained Legal Advisors give appropriate and detailed advice on the existing legal options to persons wishing to learn how they might most effectively air their grievances. Using specially created informational material, such as how-to guides, which are very short documents with complaints models, ALAC staff can explain Romania's often complicated legal system more clearly to citizens who come seeking advice. The aim of this legal advice is to show "simple, credible and viable mechanisms to get things done". The Romanian ALAC first checks whether the complaint is a potential corruption case, and if so it presents to the client the different options he has to solve the case, including bringing it in front of the courts. Also the ALAC teaches the clients how to get their proofs and helps them to systemise the info in the official complaint.

In principle, there are three ways for Romanian citizens to get in touch with the ALAC in Bucharest for legal advice. As well as face-to-face discussion in the TI office, which also houses the ALAC office, legal advice can be requested by letter or by email. There is not a call-in hotline in Romania, because the ALAC is not an intermediary between citizens and public institutions in order to refer the cases to them, nor it can conduct its own investigations.

Therefore no complaints by phone can be processed, as the Romanian ALAC encourages citizens to assume their complaints and sign them. The telephone can only be used to arrange appointments. There is also the possibility of "walk-in" consultation, i.e. persons might come to the ALAC office without prior appointment. All cases opened are individually recorded with the special ALAC software and stored in a database using standardised procedures. Thus a further goal of the ALAC, alongside confidential legal advice, is to collect data that enables a better understanding of cases of corrupt practice and of perceptions of corruption in Romania. Evaluation of these files then contributes in turn to specific legal advice, for instance when manuals and how-to-guides are drawn up on the basis of such evaluation. The Legal Advice services are offered by ALAC and TI-Romania. All ALAC staff refer to the fact that this service is not a "one-way-street" from which only the beneficiaries profit. Instead, it is a "two-way-street", useful to the ALAC and TI Romania and the citizens as well. The citizens receive help in the form of advice, while the data gathered during consultation helps TI Romania and the ALAC to attain a more nuanced understanding of corruption in Romania, and to refine their practice and work increasingly effectively, which in turn benefits the citizens again.

1.1.1 The activists self-image

According to interviewee statements, the work of the ALAC consists of three major components. When interviewed, staff and activists said that the services include the fields of Education, Service Delivery and, as shall be discussed in more detail below, Advocacy. The areas of Education and Service Delivery could be grouped together under the heading Legal Advice, although ALAC staff themselves tend not to use this term, since this would imply a reduced understanding of the Education field. Certainly the term Legal Advice is used in work with the public and outside agencies, but internally the terms Education and Service Delivery are much more commonly used, since ALAC staff and activists consider these to be complementary and indispensable tools in the fight against corruption. The ALAC services are free of charge for citizens. However the work done by legal advisors is paid through contracts from non-refundable funds (projects). Besides that, within the ALAC volunteers work as legal assistants and they are not paid at all. ALAC staff and activists see the services they offer as a 'public good' intended not merely to offer advice in particular individual cases, but also to provide an ongoing public education project about matters related to corruption. Legal advice and consultation is thus seen as a service offered in the public interest. A central feature of how ALAC staff and activists view their work is the idea that, as well as helping individual complainers with concrete advice, they are helping the public at large by working for change, a concept frequently mentioned by all interviewees.

Statements by ALAC staff and activists show a striking tendency to emphasise that the fields of Service Delivery and Education work at different levels. Although the declared purpose of the Legal Advice offered is to advise the service's beneficiaries in concrete cases, this is not the sole purpose, since TI Romania's primary aim - and thus that of the ALAC - is to influence the social situation. This insight explains why, for instance, consultation offered by the Legal Advice arm aims not only to advise the beneficiary but to educate the broader

public. Thus the ALAC in the first instance offers a contact point for people with grievances to raise, who are then given concrete advice on how they may proceed against potential acts or facts of corruption. Additionally, it is assumed that this consultation can and indeed should have a wider effect beyond the individual instance, when those who have received legal advice pass on their knowledge of the legal options. ALAC staff and activists thus see Education as "one way to spread knowledge about resistance tactics". The aim of advice and consultation offered in-house at the ALAC may thus be considered, from the perspective of Education, as a way of "making waves". Services offered under the heading of Legal Advice spread out to work under the heading of Education. ALAC staff and activists thus see themselves not as advocates for their beneficiaries, nor as working to solve their problems for them. Citizens coming to the ALAC are not only taught about corruption, but also helped to solve their problem by guiding them on how to gather the proofs, how to write the complaint and who is the relevant competent institution to send the complaint to. Then, the case is being monitored and the client assisted until the case is solved. Rather they address their Legal Advice services to the public at large, intending to inform and educate them - in the instance of their beneficiaries, certainly, but also reaching further than these individuals alone.. Thus ALAC staff and activists may be said to have a Janus-headed view of their own role and activities. One face always looks toward the individual and his or her grievances, while the other face looks toward society at large, which can be helped in the same way, and at the same time, as the individual. In short: Legal advice *pro bono publico*.

1.1.2 Concrete Help

Concrete help for the beneficiaries begins as soon as they arrive at the ALAC in Bucharest, whether without prior appointment or for a consultation arranged by post or by telephone. The procedure is similar in all cases. ALAC staff, known as legal assistance, first establishes whether the grievance in fact arises from a case of corruption, or from some other offence. In the case of a positive finding, all other services that follow and build upon the first consultation are described as Service Delivery in the stricter sense of the term. These include further support in the form of explicative material, manuals, and how-to guides, which are supplied to the complainer. The ALAC legal advisors offer further help, give names and addresses of contact partners, refers cases to the relevant public authorities (the state institutions responsible for processing the case in question), and help write letters of complaint and formal submissions. In special cases, beneficiaries are referred to another NGO, which can in turn offer further support in bringing the case to trial through Legal Representation. ALAC itself can neither cover nor contribute towards court costs which beneficiaries may incur. Last but not least, it is important that the ALAC offices offer a place to meet ALAC staff and activists, to make contacts and form partnerships which give people the feeling that they are not alone with their grievance and are not without support - a non-trivial part of the service, if we consider that many will be visiting ALAC because they are in need of a very particular kind of support.

1.2 Advocacy

Advocacy may most immediately be understood as a means to direct public awareness to matters to do with corruption. Using example "types" of cases, Transparency can show the wider public how it proceeds and what it can achieve, illustrating successes in the fight against corruption. The outcomes of the ALAC's work and that of TI Romania in general, are easily understandable for every citizen, thereby helping build confidence in the fight against corruption. The citizenry gets a clear picture of where corruption occurs and of the consequences of corrupt practices. However, the fight against corruption cannot be won by public awareness alone. As one TI Romania and ALAC staffer succinctly puts it, "You didn't solve the causes; you just treat the effects". ALAC staff sees opportunities for corrupt practices remaining even after the individual case has been resolved, with weak points and legal loopholes persisting, so that it is only a matter of time before comparable cases reoccur. Thus lasting success in the fight against corruption requires special measures, not emphasising individual cases but aiming to create change in the system. This is the only way that the symptoms of corruption can be treated, as they must be, alongside the causes. Thus alongside the field of Legal Advice, a case-specific and confrontational form of service, the field of Advocacy plays a very important role as a values-driven, consensual form of engagement, complementary to the field of Legal Advice. Thus Advocacy comprises a great deal more than simply creating public awareness. In Romania, Advocacy initiatives certainly include actions to raise public awareness, but additionally range from political consultation to the development of draft legislation. The ALAC's Legal Advice service and related data collection work to support TI Romania, which in turn works to advance reform in the judiciary and public administration and to develop tools against money laundering. Recommendations are formulated for those areas where corruption is provably endemic. In the future, the private sector and public health fields are to be added. At the moment the emphasis is on reforming the legal systems, since most cases documented by the ALAC involve this area.

1.2.1 The activist self-image

All staff and activists interviewed see the Advocacy measures as the real core of the fight against corruption, since these have the greatest effect in bringing about change. All interview partners point to the two distinct and complementary principles at the forefront of ALAC's Advocacy work. Case advocacy is linked to solving individual cases. Policy Advocacy, as it is called, supports the creation of anonymised, standardised corruption profiles using the cases documented by the ALAC to substantiate the advocacy efforts for legislative amendments or systematic change. Proposals are then drawn up that contribute to changes in the law and to decisions on precedence in the proposed changes. Policy advocacy, as this second aspect is called, aims above all to change the system, building on evaluation of concrete cases of corruption to discern weak points and loopholes in the political system, but also in social structures. Whether these shortcomings are found in existing institutions' inability to carry out their duties, the lack of a political will to change, or even a particular mentality specific to the culture, TI Romania's Advocacy Work and that of the associated ALAC always proceeds by

stages. First of all, the specific details of abuses are analysed by legal assistants and legal advisers and stored in the integrated database. Next the proposals are drawn up to set right the documented abuses, for instance as draft legislation, through targeted use of information and public awareness campaigns, or through press releases and press conferences.

1.2.2 Case Advocacy

Alongside its Legal Advice services, the ALAC toolkit includes computer software with which individual cases can be registered. The introduction of this toolkit offers a new basis for knowledge of corruption in Romania. Since knowledge of corruption is fundamentally changed, this opens up entirely new possibilities in the fight against corruptions. Available corruption cases can be empirically recorded in standardised form via a data entry interface, using the criteria: Record Date, Person Receiving Contact, Sex, Location Type, Medium of Contact, How heard about ALAC, Action Taken, Primary Corruption Area, Secondary Corruption Area, Level of Complaint and Additional Notes. All cases are anonymised and used for statistical data. The guarantee of confidentiality is thus not breached. Using the nuanced profiles of corruption gained in this manner, we can obtain important insights into the specific determining factors for corruption in Romania. The systematic registration and evaluation of case studies stored by the software particularly reveal the interrelated conditions for corruption. This yields a quantitative assessment of cases of corruption, and a qualitative conspectus of the systemic components of corrupt practice. Measures may thus be adjusted to the aspects of corruption typical for the country. As knowledge about cases of corruption improves, TI Romania's expertise and ability to affect conditions also improves. This applies not only in the field of Legal Advice, but in a wider sense, to influence in the parliamentary process. Concrete steps toward change, such as the Whistleblower Protection Law, can thus be formulated on a foundation taken directly from reality. At the same time TI Romania's expert status and reputation grows proportionally, along with the body of knowledge about corruption which it administers and publishes.

1.2.3 Policy Advocacy

Policy Advocacy measures aim to bring about change in the system from within as well as from without, to lessen and prevent the opportunities for corruption. Building on cases reported to the ALAC in Bucharest, registered by the ALAC software and stored in the database, the resulting corruption profile clearly shows that most instances of corruption have to do with everyday legal practice. Therefore the judiciary is the primary battlefield in the fight against corruption, since grievances received by the centre were mostly based on citizens' perception that they had not been granted justice. They went to the law and were not satisfied. TI Romania and its associate ALAC pursue a diversified strategy to reach their goal of improvement in the legal system. This approach applies to all fields involved in passing and enforcing laws, to the legislative, the executive and all institutions concerned, and includes the development of guidelines and regulations for good practice, draft laws and campaigns for public awareness of corruption. Strategic partnerships with the ministry of

justice, superior council of magistracy, national anticorruption prosecutor office, accompany this comprehensive strategy. Partners on both sides are shown the corruption profiles drawn up by TI Romania and the ALAC. For the former partnership, the issue is negotiations on how legal practice might be improved (as in the case of whistleblower protection), while in the latter partnership media and Media Monitoring Agencies are given information which serves to publicise cases. Such cases either show how the proper application of anti-corruption measures is being structurally thwarted, or show positive outcomes in court cases. Thus policy advocacy measures can either follow the path of concrete consultation with politicians, for instance in the interior ministry, or a path of applying public pressure to politics. Systemic change is thereby nurtured from within, and at the same time encouraged from without by building up pressure. At first attempts are made to bring about change within the legal system, but where this fails, interested journalist partners are called in either directly or through media agencies. Here too the cases concerned are anonymised and altered so that the ALAC's pledge of confidentiality to its beneficiaries is not breached. This partnership with journalists is also and mostly linked to case-advocacy, rather than with policy advocacy alone.

2. Organisational levels of the ALAC

TI Romania's ALAC project is one of the first such to be founded anywhere. A member reports: "We started in Romania in 2003 – actually it was the first project contracted by the secretariat in Berlin with the Auswärtiges Amt, the German Foreign Office, and the project was to start up three ALACs in Romania, Bosnia and Macedonia. So we were pretty much the pioneers." In principle, the ALAC project was intended to restructure the existing Anti-Corruption Research Centres and expand them into the field of legal assistance, since this would allow an expanded spectrum of options for taking action. The idea in founding the centre was to create a framework to anchor specific suggestions on implementing legal support and legal aid permanently into an institution, leading to more citizen participation. The German government financed the work as part of the Stability Pact Anti-Corruption Initiative, a subsidiary project of the European Stability and Growth Pact. Thus the establishment of the ALAC was bound up on an organisational level with various different institutions: nationally with existing NGOs, internationally with the German Foreign Office and transnationally with the European Commission. Today the Romanian ALAC has close connections with the NC of TI Romania. Most staff are active in both branches. There is no clear distinction between the Romanian NC and the Romanian ALAC, because the ALAC is a project of TI-Ro, not a separate entity inside the NC. Staff known as Legal Advisors in the ALAC are responsible for direct contact with the beneficiaries.

2.1 Relationship of TI-S to the ALAC

TI-S had a strong influence in the start-up phase of the TI National Chapter in Romania. For the establishment of TI-Romania, the membership was build up of persons who had an excellent reputation in their field of endeavour and who already had a strong interest in civic society engagement. A high level of professionalism is the most important criterion for

recruitment. This emphasis has lasted to the present day, as a TI-Romania board member stated according to recruitment of TI-Romania staff: "I don't believe in recruitment based on confidence and trust. Of course you should have trust in people you are going to work with. But for that you have scrutiny mechanisms, you have talks with the persons, you understand, you can check the person if you want, but you should not use confidence as the mechanism for recruitment." TI-S never got involved in staff recruitment.

In the foundation phase, the profile of the members body as a whole was intended to represent wide sectors of society. "The mechanism of setting up the chapter was based on the idea of covering all areas in society, all topics, with persons with a high level of professionalism but also with an activist profile." To fulfil this goal, TI-S negotiated for two years with persons from various fields, comprising "education, health care, the business sector, judiciary, public authorities, media". Further, they made contact with people who already had active experience with Non-Profit Organisations. This broad approach to recruitment aimed to ensure that the members would be composed not just of activists ("fighters") who distinguished themselves in the fight against corruption in their particular areas, but also of members already familiar with the organisational work involved in running an NGO. Once the members had been assembled to form the Romanian Chapter, TI-S influence gradually decreased.

2.2 Relationship NC and ALAC

The ALAC is a project of TI-Romania, not a separate entity inside the NC, so ALAC staff is NC staff. In general, the relationship of the National Chapter and its associated ALAC can be called a win-win-situation. Each aspect profits from the other, in different ways. The NC supports the ALAC's actions using Transparency's good name as a globally recognised international NGO and key stakeholder. As one TI-Romania staff member puts it, "TI's biggest asset is their reputation". NC staff prepare all ALAC material (guides, cases for starters and types of cases). ALAC publicity work is also carried out by the NC. In turn, the ALAC's electronic register of cases codified during the legal consultation phase and collected electronically in the database, supplies the knowledge base on which TI-Romania's Advocacy Work is built. The ALAC project allows the NC to stay in touch with the Romanian citizenry and their experiences with corruption.

2.3 Personnel

There is a difference between members on the one hand and staff or employees of TI-RO on the other. While the members only meet once a month – the board, and once a year – the annual meeting, and are not paid from TI-Ro revenues, the staff is carrying out the day by day activity and is paid from TI-Ro's projects. Looking at the personnel's attitude to work one can concern that professionalism may rightly be called an integral part of TI-Romania's enterprise culture, and that of its associated ALAC. Here professionalism means not simply highly-developed organisational and task management skills, but over and above these, the staff and

activist self-image which uses this very term. Professional conduct is expected and assumed in Transparency's corporate identity, building *esprit de corps* internally and serving to create, as it were, an external brand among citizens and politicians. For these reasons, staff policy has from the very start aimed to recruit persons who, along with integrity and devotion to the cause, can show first-class professional conduct in their respective areas. Senior staff are carefully recruited by looking in the first instance for empirical achievements and verifiable reputation, and this concentration on rigorous selection criteria has been critical for TI-Romania's success, as well as the Romanian ALAC's success. In interviews, TI-Romania founder members were named who were in part responsible for developing the ALAC concept, alongside Marian V. Popa: Dragos Seuleanu, originally a journalist and general secretary for the public radio, who had already achieved much in the field of minority rights alongside his activity for National Radio; Viorica Costiniu, an appeal court judge; Raluca Bejan, head of senate, and member of a leading women's entrepreneurial association; Mircea Toma, civil society activist; and Doina Olga Stefanescu, university professor in pedagogy. Looking at this high-profile membership, TI-Romania might at least in its start-up phase be seen as a voluntary association of notables, remarkable for two features: "the components of trust and competence or professional profile". The work is voluntary and unpaid. Thus the group has been described as "people with similar values, with similar callings, with at least good first chemistry because we have to do something and we are not forced to associate. We are just asked if we want to associate." Members of TI-Romania do not have a single political affiliation in the strict sense. Their political loyalties are not tied to one party or another, but come together in the common goal to create change and to approach partners from the state side, from political parties and government. Certainly there are members within the group associated with the left or right of the spectrum, but they do not bring such allegiances to their work. Rather, TI-Romania's political principles are the opposite. Instead of a cosy political consensus influencing the work, the aim is to integrate the doctrine of the fight against corruption into the political landscape.

2.4 The citizenry

Once the Romanian ALAC had been established in Bucharest, the number of grievances reported grew steadily. This evident increase can be seen as an indicator that, once founded, the ALAC must be acknowledged as an effective instrument which led to a democratisation of anti-corruption work. The how-to guides play a particular role here, simple introductions to bringing corruption cases to court and also to administrative bodies who can receive and solve such complaints. which ALAC staff drew up to be easy for citizens to understand. All staff report that this instrument has been particularly successful, since it addresses Romanian citizens directly and gives them simple, concrete help, empowering them to become active themselves. Alongside legal advice, a further goal of the ALAC is to reach the largest possible sectors of the populace, since growing citizen participation in the fight against corruption, a grass-roots approach, is decisive for the future of corruption-fighting in Romania - so that TI-Romania's work, and that of the ALAC, can be said to depend on the Romanian populace. "We need them to understand and to claim for those principles in order to create a better environment for our actions. That is one thing, and the other is that you need, to build

integrity, to create a market of integrity and a demand for it". All interviewees see the how-to guides as an important instrument for citizen participation in the fight against corruption. Alongside this instructional material, targeted campaigns have been devised to increase popular awareness of the ALAC's services. The Romanian ALAC had for several years a partnership with the national radio broadcast. And this helped them to reach even old people living in the countryside. ALAC also has a dedicated section to ALAC on TI-Ro's website. Additionally, other reliable communication media have been chosen. "What works best in the case of ALAC are posters and leaflets, which you can leave within the institution. People from our target group would be there." While the NC media campaigns address the populace at large, information offered for the beneficiaries is more specialised.

Publication of a sourcebook of collected, illustrative cases is planned as a future project for the Education field. Additionally, a website is to go live which quirkily points up failures of the legal system. It will be called the "Journal of non-jurisprudence." There, misjudgements and judicial wrongdoings will be posted regularly, where the clients' names will be concealed but the judges' names will remain recognisable. These mis-judgements will then be discussed in funny commentaries with a serious purpose, with a forum offering others the chance to comment on these odd judgements. Thus a cross-media campaign will be launched, including in print (the Sourcebook) and online (the Journal) media, in order to better reach the population at large.

3. Cooperation between the ALAC and government

During the founding phase of the NC in Romania the relationship to the government was, as one founder member remarks, "not over-rosy," - a reference to increasing political pressure from the Romanian Parliament. TI staff know that the Romanian Parliament often follows the principle "who is not with us is against us" and had earlier forced many NGOs to declare a political allegiance, and align their ideological values and their goals with either the left or (mostly) the right wing of Parliament. TI-Romania has so far resisted this pressure, which can be explained by the fact that their approach and their work have gained respect for being dependable and of a high standard. It is part of staff self-image that they see themselves as politically neutral in carrying out their functions, and form coalitions with all parties who subscribe to their ideas and wish to support them. Instead of political loyalties, they speak of a common philosophy that unites staff and activists at TI-Romania and the ALAC. This philosophy supports the fight against all forms of corruption and cannot be subsumed into any particular political tendency. TI-Romania staff are identified by their highly professional conduct, manifested in the way that they seek to avoid strong connections to politics. Thus staff and activists may work in the private sector, but if they are considering entering political life they must resign their post with TI-Romania. Generally, cooperation is sought, but where this is not possible the consensual approach is dropped for a more confrontational approach. In the best cases, TI-Romania staff find that their thoroughly impartial approach, concerned only with issues, can build government confidence in their work, since it makes it clear that all governments coming to power will be treated according to the same criteria – disinterest, tenacity and a basis of hard facts. Even though their relationship to any given government can

be very tense, TI-Romania activists do not see themselves as an opposition, rather as a government's reliable and steadfast partner. "Together, we want to help government to do things, if we identify the political will in some office." Cooperation with the party in power at any given point may therefore be called a welcome possibility, but not a hard necessity. Even when no cooperation with the government is possible, other measures remain as effective as ever, such as researching, documenting, informing, educating and raising public awareness. This independence from the political system in a group that, by its situation, still has the option to join and work with the system, is one important reason for Transparency's success.

4. ALAC cooperative projects

Cooperative projects by TI-Romania and its integrated ALAC may best be described by the term Advocacy Coalition. In principle, parties, interest groups, NGOs, citizen initiatives, journalists or academics may join an Advocacy Coalition. Advocacy Coalitions focus on particular topics and events. The primary internal purpose of these coalitions is to exchange know-how and build relationships. The aim is to connect different professional knowledge bases and create synergy effects. An Advocacy Coalition is only held together by its common goal, in this instance the fight against corruption. TI-Romania builds Advocacy Coalitions to serve a dual purpose. On the one hand to make its own work more compelling and more effective, and on the other hand to bring the topics of corruption, and the goal of a society free from corruption, to a wider audience and other interested stakeholders. In the strict sense, it is the NC's task to convene such Advocacy Coalitions. Sometimes ALAC cooperative projects tend to be coalitions with other NGOs, formed when the ALAC's own resources are exhausted, but not necessarily.

4.1 Cooperation with other NGOs

One NGO above all played a leading role during TI-Romania's start-up phase. First port of call in recruiting staff for the NC was the Civil Society Development Foundation (CSDF), which may be called an umbrella organisation for NGOs and was set up by the European Commission in 1994. Members of the Anticorruption Resources Centre (ATRC) were also brought in to help build TI-Romania. Thus cooperation with other NGOs was a fixed part of TI-Romania's work from the beginning. TI-S made a point of finding staff who brought proven experience with NGOs, and at the end of the 1990s this created an excellent situation in which to found the National Chapter. Further, the CSDF mentioned above helped out at the very beginning not just with staff, but also by providing premises for TI-Romania's work. "They [the CSDF] were quite instrumental in helping TI set up (...) in '99 they even offered a small office for TI to start their operations." Today the ALAC Bucharest's cooperation with the Centre for Legal Resources (CLR) is especially important. The CLR missions statement reads: "The Centre for Legal Resources is a non-governmental, non-profit organization which actively advocates for the establishment and operation of a legal and institutional framework that safeguards the observance of human rights and equal opportunities, free access to fair justice and which contributes to the capitalization of its legal expertise for the general public

interest” (CLR 2010). Since the ALAC cannot offer a comprehensive legal support service, ALAC staff refer people onward to the CLR under certain circumstances. The CLR then provides Legal Representation services which go beyond the ALAC's Legal Advice services, which is to say that they represent the plaintiff in court. The CLR only offers such services when the case meets their interests, as in cases “which are contrary to the Constitution or to international regulations concerning human rights, [or which work toward] changing inappropriate local practices and public policies” (CLR 2010).

4.2 Cooperation with the Media

Court cases with favourable outcomes are an indispensable way for the ALAC to inform citizens about how they might successfully bring their own case. From time to time though, people come to the ALAC whose cases can no longer be brought. These are duly treated as closed cases, since too much time has elapsed to bring them to court. Media partners are then informed of these lapsed cases, even if they cannot be brought to trial. Such cases are not useless, since they may establish a legal precedent and thus serve a purpose by building a suitable media presence. "The power of an example is a very good tool for building coalitions around issues." To this end, ALAC staff carefully document the facts of the case and distribute them within a Media Coalition. For TI-Romania, other NGOs and Media Monitoring Agencies are important partners in building the coalition. For a promising, high-quality case, TI-Romania supplies important documents and analysis to these Media Monitoring Agencies, which then pass them onward to other media agencies and outlets. The media response is greater when the case is better. Relations with these media partners are very good. "We know who to call and when to call," as one staff member responsible for media work puts it. Spectacular, well-documented cases of corruption thus cause the greatest possible stir, since Media Monitoring Agencies supply all areas of the media from print to online media, TV to radio stations. The ALACs collect the relevant data which then fuel discussions among the various actors in the Advocacy Coalition network. As examples prove, media coalitions are promising tools for hopeless cases. They do not help the individual plaintiff as much as they help the cause itself, although in some cases they may also provide some satisfaction for the plaintiff.

5. Whistleblowers

Whistleblowers are employees who disclose wrong-doing at their place of work, no matter if it is abuse, corruption or even breaches of the good administration principles. These abuses typically result in especially dramatic disclosures. Some whistleblowers act from selfless motives, some are victims of the wrong doings as well. Mostly they do not make their revelations public for their own benefit, but from concern for the welfare of their fellow human beings. Normally whistleblowers do not go public as a first option. Only when they have exhausted all opportunities in their professional sphere to raise concerns about the facts in the case, do whistleblowers make abuses more widely known.

5.1 Social Conditions for Whistleblowing

Overall, NC staff see Romanian citizens as a populace which tends to stand on the sidelines of social and community causes. Unlike in other countries such as Germany or the United States, there is no established tradition of civil society activism in Romania such as the women's movement, the peace movement or the environmental movement. It remains in the realm of conjecture as to whether this hesitant development of citizen engagement may be due to some peculiarities in Romanian social structures. One TI-Romania staff member speculates that we might discern two limiting factors in the development of an organised culture of civic responsibility in Romania, on the one hand the very strong presence of the Romanian Orthodox Church, and on the other hand the fact that for more than twenty years (21st August 1965 to 25th December 1989) Romania was ruled by a Communist regime in which a strongly paternalist state curbed or even stifled the development of civil society engagement; taken together, these yield a strongly marked deference culture in Romania. Therefore, how targeted campaigns and legal initiatives can raise the number of whistleblower cases is a constant topic for the NC. For instance, letting whistleblowers know the extent of the protection available.

5.2 Legal Guarantees to Whistleblowers

Whistleblowing is not without its dangers. Quite the opposite: whistleblowers run a considerable risk when they make their revelations public. These risks might start with the loss of their job, and escalate to whistleblowers having to leave the country as a result of their actions. So that whistleblowers in Romania have sufficient legal protection, TI-Romania staff have drawn up a Whistleblower Protection Law. The Romanian Whistleblowers's Law was one of the first ones in Europe. The purpose of the law is named in the first article: "This law regulates certain actions regarding the protection of persons who claimed or notified violations of the law within the public authorities, public institutions and other units, committed by persons holding management or execution positions within the public authorities and institutions and within other budgetary units set forth at art." An English version of the law is available at: <http://whistleblowers.typepad.com/files/romania-whistleblower-protection-law-2004.pdf> (As of 31.12.2010).

6. Case-specific summary

TI-Romania was not only one of the first NCs to found an ALAC in 2003, but was also heavily involved in developing the concept for the ALAC project. Unlike the NCs in Bosnia-Herzegovina, Croatia and the Former Yugoslav Republic of Macedonia, which also founded their ALACs in 2003, TI-Romania played a leading role in laying the groundwork for the ALAC project. The Start-up Manual which is used around the world today is based on the manual that TI-S commissioned to TI-Ro. Another initiative by TI-Romania is the basic idea that the ALAC concept must be designed as a dynamic tool-kit, flexible enough for NCs throughout TI to adapt to various national circumstances. TI-Romania's many years of

experience with the ALAC concept benefit other NCs intending to establish ALACs in their own countries. For instance, colleagues from TI Azerbaijan learned in workshops about the very versatile options in the ALAC toolkit. The establishment of the Romanian ALAC is thus very closely connected with the origins of the ALAC project. This pioneer status is also a noticeable part of TI-Romania staff self-perception. Staff and activists even go one step further, seeing the success of the ALAC as a success for TI-Romania. The circumstance that the Romanian ALAC went hand in hand with EU expansion heightens the regard in which staff at TI-Romania hold the ALAC concept. Thus the successful establishment of the ALAC in Romania is seen as internationally, not nationally, significant. To an extent it was not just the Romanians themselves who profited from the establishment of the ALAC, by having a resource to which they could turn with their questions about corruption. Romania as a country and a candidate for EU entry also profited by being able to point to the work of TI-Romania and the success of the recently established ALAC as proof that the topic of corruption was being taken seriously in Romania. When Romania was accepted into the European Union in 2007, this was at least in part due to the success of TI-Romania, which in turn improved TI-Romania's image and reputation. The ALAC's tasks are to offer specific Legal Advice services, and to process the data collected during these consultations. The main aim is to create typified cases based on real cases, which are then be used as illustrative material in the field of Advocacy work. The Legal Advice field thus has a close connection with the field of Advocacy. Taken as a whole, empirical evaluation of the cases documented by the ALAC helps put knowledge about corruption in Romania on a firm footing. Using this knowledge, appropriate recommendations are then formulated and put to the government, aiming to prevent corruption permanently in the long term. In order to raise public awareness of corruption these files are passed on to investigative journalists and Media Monitoring Agencies, along with individual typified cases. To this end, TI-Romania and the Romanian ALAC have very good relationships with media partners. TI-Romania's accomplishments so far in the fight against corruption in Romania are indeed exemplary. A leading member of TI-Romania sums it up: "We have been around as an organization for ten years. My assessment is that during these ten years we have managed to assist the government and support it in every way to put in place pretty much all legislation that is needed to fight corruption." In the meantime the legal framework for the fight against corruption is now in place, but the sticking point is that only a very few people use these options. In a nutshell, everything that is needed to fight corruption is there, except for people willing to fight. Since TI-Romania and its associated ALAC cannot offer legal representation in addition to their legal advice, they rely on the beneficiaries taking the case to court themselves, on their own behalf. Rather, they rely entirely on the beneficiaries' help, and above all their bravery. Another point is not all the cases need to brought to court. Some of them might be solved at administrative level. This shows not only the number of cases of corruption brought to trial should be seen as a performance indicator for the ALAC activity.

However the relatively few number of cases of corruption brought to trial is one of the crucial points the interviews with ALAC staff made clear. TI-Romania sees one reason why relatively few cases lead to a guilty verdict in the fact that although the relevant laws are on the books, the citizenry does not make use of them. TI-Romania staff and activists attribute this to a lack of citizen engagement among the Romanian populace. Concrete fears about the

resulting legal costs and about losing one's job certainly play a role as well. One staff member also refers to the many procedural errors that creep in during trials, commenting: "They just ignored the law and what it can do for them." Additionally, in the course of things ALAC is not informed of the outcome when the courts pass sentence. TI-Romania only learns the outcome of a trial when the beneficiaries themselves inform ALAC of the result. This is an additional hurdle on the way to assessing the sentencing, even the very most of the cases are being monitored until they are closed. A further problem contributing to the situation that very few cases actually come to trial has to do with the role and position of Romania's judges. Judges in Romania are very largely independent in their discretionary authority. They pronounce, on average, 50 to 100 cases each week. At the same time, Romania's legal system is highly dynamic, with laws changing frequently, sometimes - as one public prosecutor reports - on a weekly basis. Although there are prosecutors specialising in corruption cases, there are not specialist judges. As a result, relatively few judges pass a guilty verdict in cases of corruption, which can also be because they are not sufficiently versed in the relevant laws. In addition, there is an ongoing conflict between the generations, young and old. While public prosecutors are mostly younger, and very well informed about anti-corruption legislation, the judges mostly belong to the older generation and are not always up-to-date on all of the latest legislation. A public prosecutor sums up the problems that arise: "If you are very young and in a very important position, you have to listen to someone, who is higher than you and older but has many connections. This is an important reason." Apparently the fact that few such cases are ever brought to trial is only one reason why relatively few guilty verdicts are pronounced in corruption cases in Romania. It is often not possible to pass sentence in those cases which are brought to court. Whether because of procedural errors, a lapsed period of prescription, or resistance from judges, reasons for the paucity of guilty verdicts in corruption cases in Romania are manifold. One thing is sure is that it is not to do with the lack of laws, since all of the legal requirements for the fight against corruption are in place in Romania. This must, in the final analysis, be seen as a success for TI-Romania's work.

ANALYSIS OF THE ALAC IN BOSNIA AND HERZEGOVINA

1. Services provided by the ALACs

1.1 Legal advice

The situation in BiH, as far as corruption is concerned, and an extremely difficult economic situation affecting the great majority of people who live on very low income or no income at all, which deprives them of funds necessary for exercising their rights in an appropriate way, provides every justification for offering legal advice. The significance of providing legal advice about corruption, besides assisting those most affected by corruption, also reflects in the building of capacities of competent institutions, while pointing to the errors and weaknesses in their work whose repercussions are again felt by the most disadvantaged groups.

Legal advice provided by ALACs includes formal and practical support regarding a specific matter and is directed at all citizens of Bosnia-Herzegovina, regardless of financial means, social status or ethnic affiliation. It is the vulnerable group such as refugees, returnees, socially vulnerable groups, and pensioners who are victims of corruption that make up the majority of the project beneficiaries. The largest portion of cases reported by citizens pertained to the work of local (i.e. local and cantonal) authorities. This is due to the fact that majority of the contacts between the citizens and public administration take place at local level.

A request that is presented is first evaluated from a formal perspective and analysed with regard to its legal status. ALAC assistants and volunteers (mostly students of law faculty) collect the data and conduct an initial examination in order to determine whether or not the case involves any form of corruption. If the case does not involve corruption (as defined by TI), then assistance is sought through the mediation of responsible agencies, organizations and NGOs as well as by providing a general orientation to the BiH legal system. As a result of widespread popular ignorance about the state administration and its processes, ALAC often functions as a kind of citizen office in the BiH, providing general information about bureaucratic procedures and support in coping with standard administrative practices. Since most of the citizens of BiH are not familiar with numerous administrative legal procedures which combines the practice of their democratic and legal rights, ALAC often functions as an alternative source for providing information's on various procedures and a legal know-how, relevant to each respective client's legal problem.

If the specific case suggests a form of corruption handled by ALAC-BiH (i.e., corruption in government institutions, especially in the administration and in the judiciary), then the data are initially sorted and presented in a standardized form. That is to say, the data are categorized and organized by means of a computer template into a database developed by TI. The data are presented in this form to an external legal advisor who furnishes a legal opinion based upon the materials at hand and develops a strategy for legal action. The database only records and files the necessary information about the client when it has become an ALAC

case to which ALAC staffs can act and provide possible solutions to ones problematic (mostly legal) issues. These data are generated into a standardized template which serves as a reminder of one's case and a statistical anti-corruption profile with basic personal client's information.

The crucial information which are presented to the senior legal advisor and an advocate of law are extracted from the written letters of clients and corresponding (client's) evidences of possible corruption. The information flow from the client to ALAC assistants and to legal advisor must be carried out swiftly and efficiently with minimum of time consumption. The advisor is presented with the data during staff monthly meetings and via standard methods of modern communication (email, fax). ALAC assistants and coordinators have the task of furnishing the case, in a way that it is precisely handed to the legal advisor with supplementary comments and suggestions of possible strategy in every specific case. The (senior) legal advisor takes all possible suggestions into consideration (from the assistants, coordinator and executive director), additionally analyzes the case, and writes a legal document which is additionally checked and structured by the ALAC assistants and/or its coordinator. Additional attention for written materials is always presented when it involves a high profile corruption case with political connotations. This way the ALAC team has created an internal system of "checks and balances" which creates good practice for every working legal paper that is produced in the name of Transparency International BiH.

This formal evaluation and strategic analysis is implemented through ongoing consultation with the client. This means that ALAC establishes contact with the respective institutions in order to obtain clarification about the specific case. Through its familiarity with bureaucratic processes and jurisdictions, ALAC takes responsibility for an appropriate presentation and for correspondence with the appropriate agencies until the case is resolved.

Through its support in individual cases, ALAC thus functions as an intermediary between the citizens and the state; however, ALAC is not a neutral intermediary. As a legal advisor with respect to special interests, TI BiH openly avows that it favours one party, namely the citizen. By virtue of its confrontation with the state apparatus regarding the conflict, TI BiH exerts pressure upon the state. This pressure mainly concerns the application of administrative appeals and law suits in administrative disputes. Given the nature of administrative procedure laws in the country, TI BiH creates a unique case study on administrative and judicial practice, until the final act is brought by the proper states jurisdiction. TI BiH's aim is to create such a practice that demonstrates fair and proper recognition of anticorruption laws in the BiH (such as Law on freedom of information, Law on conflict of interest, Law on financing political parties, Election Laws, etc.). The state's decision can later serve as crucial precedents (even do BiH practices civil law standards of European continental Law) in building positive judicial practice and serving as evidence material in analysing Law inefficiencies, while submitting initiatives and proposals in altering these (primarily anticorruption) Laws.

1.1.1 The Self-understanding of the Actors

By TI BiH employee's assessment of their practice and self understanding of the ALAC project, all of them indicate the predominance of social elements. The social elements mainly concern the target group of the project, for they are the ones who are in need of free legal provision. They are mostly:

- The socially deprived group (e.g. refugees and returnees, people on social welfare, pensioners and disabled persons, etc.);
- People who are or have been discriminated (for instance: on the basis of their ethnic group, gender, religion, etc.).

The ALAC project within TI BIH functions as an alternative source of information (contrary to public institutions) or a citizens contact point. According to TI BiH opinions poll and based on ALAC experience most of the citizens are aware what falls under definition of corruption. But very often citizens are not aware of legal proceedings and how to articulate complaints. Thus, it becomes clear that providing concrete assistance, legal clarification and practical advising constitute the primary objectives for the actors, as opposed to legal representation in court. TI BiH has a strict policy concerning client's representation. TI BiH aims towards improvement of specific anticorruption laws which are primarily those of an administrative nature. Because administrative processes can be handled directly by TI BiH, the policy before courts is that TI BIH files the law appeals and law suits in its own name and for its own account.

TI BiH's legal constructions mostly derive from citizen's cases, therefore TI BiH acts in behalf of the citizens, minimizing the risk involved for the ALAC's clients, while engaging in different disputes on its own cost. The formal act in every court's case – serves as a reminder and a fact to the strategic litigation and advocacy on which ALAC project and TI BiH is ultimately focused.

The successful resolution of a specific case is always a goal on which the ALAC is oriented. The resolution depends on certain variables:

- Persistence of the ALAC staff and general efforts, regarding the analytical and research structure as well as the legal complexity of a specific case;
- Political environment as non-controllable risk factor;
- The timeframe approximation resolution of cases before courts in BiH.

Understanding the democratic system and the part citizens play in it should serve to create trust in the organization of the government and thus contribute to the long-term stabilization of the democratic order.

1.1.2 Concrete Help

Most of the complainers contact the BiH ALAC via a toll-free phone line. The toll-free phone line for reporting corruption 0800 55555, which Transparency International BiH (TI BiH) set up in January 2004, was the first of its kind in BiH and the first one that managed to bring together all telephone companies operating in BiH, has gained increased national prominence and earned public trust. The toll-free hotline is open every day between 9 am and 5 pm. Its primary purpose is to serve as an initial contact point between citizens and the Advocacy and Legal Advice Centre. Based on the initial contact through the toll-free hotline, TI BiH's operators (volunteers) decide whether the reported case can be qualified as corruption. If so, the person reporting corruption is invited to provide evidence for it in writing, if such evidence exists, or in the form of his/her own statement or the witness's statement. The toll-free hotline also provides citizens with advice if the reported case is not under the Centre's mandate. Every citizen who phones the toll-free hotline will be given information on how to protect their rights and which institution has the authority to solve their cases. Additionally, citizens are directed to NGOs who work specifically with issues that correspond with citizens legal problems. In those cases, the operators provide contact information for those specific NGO's.

Extremely complicated organisation of the state, additionally compounded by the overlap of authority among different levels of power, makes it very difficult for citizens to exercise their constitutional rights. It very often happens that citizens do not have the information on which institution has the authority to solve their case. Judging from the number of citizens who have sought advice through the toll-free hotline, it is obvious that this method of work has proved very useful for citizens.

After the initial contact through the toll free hotline and invitation to citizens to corroborate their reports (by providing either written evidence if it exists or a written statement), the next phase, following the receipt of the appropriate documentation, is its analysis by the TI BiH's legal advisors. This involves placing a potential case into the context of the existing BiH legal system, and providing the clients with basic information and education. After the legal advisor has provided an analysis and developed a strategy, he/she prepares a cover letter addressed to the appropriate agency. In this way, the conflict is initially presented and a request is made for further clarification (and in the ideal case, resolution). Based on this analysis, the legal advisors decide on how to act in the particular case. If there is a need, or if this is requested by the citizen who reported the particular case of corruption, the legal advisors arrange a meeting with this citizen. After the interview and collection of additional evidence, the legal advisors contact the competent authorities. If there is enough information and if all legal conditions are met, a report or a formal communication in the form of information is sent to the competent public prosecutor's office so that it could launch an investigation if it obtains additional information about this case from other sources. In other cases relevant communication is being directed to authorities of executive power (e.g. Inspection, Finance police, Ombudsman, State attorney's Office, High Judicial and Prosecutors Council, etc.). In any case the direction of relevant communication depends on the attitude for every specific cases and motives for its resolution.

A formal communication is also sent to the public authority whose employee the report refers to, so that an internal investigation or appropriate disciplinary procedure can be conducted within this institution. Depending upon the official reaction or non-reaction, ALAC prepares further writs related to the case that are in compliance with formal deadlines. During this process, ALAC documents the course of the case, informs the client about the flow of events, discusses with the client the shifting chances for a successful outcome and advises the client about possible modifications of the legal strategy. If adjudication by a court is unavoidable, ALAC BiH makes this recommendation to the client, but does not offer its services.

ALAC BiH is guided by established advocacy plans that concern the legal practicing or in general litigation of basic Anticorruption Laws, such as the Law on freedom to access information, or Law on conflicts of interest in BiH. Due to administrative legal nature of these Laws, judicial litigation is inevitable in every ALAC case in which the proper state jurisdiction fails to comply within the prescribed norms. This means that, when the ALAC team starts to work on a specific case, in which we make requests for deliverance of public documents (that support certain allegations from the ALAC client) – if those documents aren't delivered in the first and second instances (the second instance - the appeal stage), then ALAC (or officially TI BiH) – submits law suits to relevant Courts in BiH. The administrative procedure is the same when it comes to submitting requests for establishing conflicts of interest of public officials. In support of this, TI BiH has filed numerous law suits from 2003, until nowadays against state institutions in every case in which TI BiH had justified reason to start the litigation.

1.2 Advocacy

1.2.1 Self-understanding of the Actors

The principal meaning of advocacy for the actors at ALAC-BiH is systemic change, which implies what is known as policy advocacy. ALAC's policy position is to provide:

- Effective legal protection for ALAC clients
- Insurance that adequate mechanisms in public sector are properly handled and thoroughly investigated
- Strategic litigation that comes from ALAC cases

ALAC is a representative of civil society that has an interest in reforming political conditions and processes. ALAC embodies the voice of all persons living under the rule of law that are not direct participants in the law-making process but are affected by it. By means of interweaving case advocacy and policy advocacy, ALAC functions as an expert representative of *public* interests. As a result, ALAC facilitates citizen participation, and thus their capacity to articulate their position.

1.2.2 Case Advocacy

Specific cases are used to collect data. That is, a database has been developed based upon case examples, which serves to standardize both substance and process and to establish a comprehensible empirical foundation for projects (reform proposals, public campaigns, studies, etc.). The aim is to use an analysis of practices to recognize systemic deficiencies in bureaucratic practices and processes, lack of clarity in formulations, errors in the implementation and application of laws and possible loopholes in the legal system. In a second step, there is a subsequent attempt to develop responsible proposals for reform (policy advocacy).

“When you have constant complaints on one particular problem, that you can be sure that the real problem exists in that area, so after that we are trying to analyse that, to analyse the story there, analyse in terms of law framework, bylaws, practice, everything and to propose something which is realistic” (P.7, Interview 7). This provides the citizens themselves with an opportunity to take part indirectly in the structural war against corruption by identifying problem areas.

1.2.3 Policy Advocacy

Policy advocacy is primarily focused upon structural change. The proposals for reform are thus informed by the data collected through the systematic analysis of individual cases (case advocacy). Here, TI truly functions as a representative of civil society, since it undertakes attempts to advocate for reform proposals that reflect a true collective interest before the appropriate agencies. The guiding principle is to function as an “authorized interpreter,” so to speak, by linking case and policy advocacy. The individual cases are translated into a collective, structural request and represented in an appropriate form. The process of translation, just like that of representation, requires a large body of expert knowledge and constructive collaboration with political institutions.

Thus, for example, proposals have been submitted in BiH for legal changes and amendments concerning the transparency of the national budget, the bidding process for government contracts and the privatization of public assets. In addition, a legal analysis was undertaken about the existing state of the law in relation to the problem of conflicts of interest. Based upon this analysis, it was possible to propose and to implement specific amendments and amplifications of the law. Moreover, TI took a public position regarding procedures for legal sanctions in cases of legal non-compliance on the part of administrative and political institutions. These proposals primarily serve to make practice more verifiable and to construct a mechanism for legal leverage.

2. Organizational Levels of the ALACs

2.1 The Relationship between TIS and ALAC

The relationship with the TI administration is generally described as good, important and productive. Particularly during the initial phase of TI-BiH, the assistance of the administration was indispensable and the contact very active. Basically, the activities and the services of the administration were seen in the perspective of the founding of new TI subsidiaries. Using its accumulated information from existing TI chapters, the administration can provide an understanding of general structures, requirements and problems that transcend specific contexts, and thus will be helpful in the initiation strategies for new chapters. From the point of view of the actors at TI-BiH, this constructive use of experiential knowledge was something that the individual chapters could not provide, since their work was determined by their involvement in specific problem areas and national circumstances, and they lacked a more generalizable overview.

By contrast, a superordinate perspective cannot provide a great deal of concrete assistance for specific context-dependent work on site. In general, when responding to questions related to the collaboration of TI chapters with each other or collaboration of single TI chapters with the administration, issues were raised about the differences in national circumstances and their incomparability. It is very difficult to provide recommendations or even guidelines from the outside, since conditions in the country are too complicated, too specific and too different from those in other regions. The readiness for substantive knowledge transfer is less concentrated upon the TI administration in Berlin, than towards other TI chapters in the nations of former Yugoslavia facing comparable problem situations. However, even this exchange (with other chapters from Balkan nations) is described as sporadic and informal.

2.2 The Relationship between NC and ALAC

In the Bosnia and Herzegovina TI, ALAC is described as the centrepiece of the entire chapter. The project, already under way for seven years, is the longest and most productive of any conducted by TI-BiH and it is tightly connected with all other projects undertaken by the chapter. The internal database, which standardizes concrete cases and identifies structural problem areas, provides the substantive foundation for all further projects (proposals for reforms, public campaigns, studies, information presentations, etc.). Despite this level of internal recognition, the employees generally agree that it is Transparency International that is primarily recognized by the public, whereas ALAC as such is a relatively unknown term for most people.

2.3 Employees

The ALAC programme is composed of 6 TI BiH staff, which include: The program manager - the Executive Director (expert in the area of good governance, has worked with numerous

local and international organization such as World Bank, Global Integrity, USAID etc.) of the chapter is also the Program Manager of ALAC and is responsible for overall functioning of ALAC. The Senior legal advisor in the project is a person with long experience in application of law who is a recognised expert and associates of numerous local and international institutions (as judge, prosecutor, lawyer, ex-director of American bar association in BiH, researcher, etc.). Based on legal analysis of cases, the legal advisors decide on how to act in the particular case. Also, legal advisor is responsible for preparation of amendments on laws, as part of advocacy campaigns. The project coordinator, lawyer by profession is responsible for day to day project activities, planning and implementation of campaigns and reporting as well as in coordination with PR for public relations activities. Three project assistants are responsible for contacts with citizens through the toll free-hot line, on line. Based on the initial contact through the toll-free hotline, assistants decide whether the reported case can be qualified as corruption. If so, the person reporting corruption is invited to provide evidence for it in writing, if such evidence exists, or in the form of his/her own statement or the witness's statement. The toll-free hotline also provides citizens with advice if the reported case is not under the Centre's mandate. The PR person is M.A. in corporate communications with experience in private and economic sector) is responsible for public relations activities of the Centre in coordination with project coordinator. IT person is responsible for maintenance of equipment.

Also it is important to mention the role of external associates (experts in the fields of freedom of information (FOI), country of origin information (COI) etc.) and board members in advocacy campaigns. Their role is particularly important in the process of preparation of the campaign and creation of the strategy for advocacy campaign.

Two central elements emerge in the profiles of the employees: professionalism and social engagement. The legal advice provided by ALAC demands a combination of legal and social competencies from the actors. Student employees are responsible for the initial assessment and project coordinator is responsible for initial analysis of new cases that are presented and the outcome succeeds or fails depending on their professional knowledge and practical experience. Thus, it is not surprising that the majority of the actors have some form of legal education.

The advocacy concept, especially the focus upon policy advocacy, implies a high level of professionalism. On one hand, the creation of a database as the foundation for developing proposals for serious structural reform reveals a commitment to creating a scientific scaffolding for the entire project. But on the other hand, depending upon stable cooperation with government institutions also serves to develop a reputation of consistency and responsibility. This reputation helps put the competencies of TI in the proper light and enables both political institutions and citizens to develop confidence in the potential of TI.

Nevertheless, a glance at the selection process for employees indicates that the fundamental hiring concept in BiH is based primarily upon ideological consensus (ethical-moral motivation). All employees that were selected on the basis of the customary application process demonstrate social or political engagement, and yet they have almost no professional

experience. In the same way, those contacts that originated from personal connections are also based on shared interest in fighting corruption rather than a persuasive professional CV.

2.4 The Population

Participation on the part of the general population in the work of ALAC emerges in different ways and is incorporated in its fundamental philosophy. The first and most direct opportunity for participation is facilitated by means of the simplified contact approach to the centre. The telephone hotline is available in all parts of the country and can be used free of cost. In response to the difficult political situation in BiH, TI is represented by two subsidiaries (Sarajevo, Banja Luka), and thus has a branch in each part of the divided nation, thereby enabling all ethnic groups to seek out TI equally and to make direct contact with it. Moreover, ALAC BiH places great emphasis on the fact that all three population groups are represented in the personnel of the chapter, in order to keep any suspicion of partisanship (or favouring an individual ethnic group or its interests) from taking root.

The population is directly involved to the extent that it has the opportunity to avail itself of cost-free assistance, counselling and clarification. Making a cost-free professional platform available to the people of BiH through which they are able to raise their voices against government injustice enables participation of a broad mass of people in the battle against corruption. At the same time, this platform serves as a long-term instrument for developing a level of citizen consciousness that is not defined merely by social status, educational level or clan membership, but instead on the basis of democratic and thus more generalized rights and responsibilities. In an indirect way, the voice of the general public is also integrated through the development of the ALAC database. Thus, real problem areas that actually affect the population gain recognition and are placed at the focus of reform efforts, and at the same time used as the departure point for public education efforts.

3. Collaboration between ALAC and the Government

As a reflection of ALAC's intention to be seen as a constructive partner, a memorandum of understanding (MOU) was signed with all institutions with the intention of formally establishing an alliance between the parties. However, following a successful initial phase, the political climate changed in BiH. As a result, there was reduced willingness to cooperate with ALAC on the part of the governments of the sub-states (the entities³), which has persisted until the present time.

Kept at a distance from the sub-states, the chapter does cultivate consistent relationships with the institutions of the federal state. Bosnia and Herzegovina has several levels of political

³ Oddly enough, the term "entity" is used in the professional literature about Bosnia and Herzegovina as the proper name for the different parts of the country. The Republika Srpska (RS) and the Federation of BiH are also referred to as member states, part states, entities or constitutive parts of the country and are united in the central state or the Bosnian Croat Federation (BiH).

structuring, according to the Dayton accord. Most important of these levels is the division of the country in two entities: Republika Srpska and the Federation of Bosnia and Herzegovina. The term federal is usually referred to Federation of Bosnia and Herzegovina. The government, which consists of representatives from all three ethnic groups, shows somewhat greater interest in collaboration with TI, because anti-corruption (with participation of representatives from civil society), overall national stability and acceptance for EU membership are issues where all parties are on the same page. However, despite the signed memorandum of understanding (MOU), maintaining this collaboration has required dogged persistence. Similarly, a glance at the exclusively foreign financial backing for TI BiH would lead one to conclude that there is little support on the part of the federal state.

The lack of a willingness to cooperate at an institutional level is thus interwoven like a red thread throughout all other levels. The particular power structure that combines a weak central state and two strong sub-states becomes a complication in the case of BiH. Thus, reforms at the level of the federal state certainly have applicability at the level of the sub-states as well, but they have insufficient power to have an effective impact upon political practices at that level. Yet, to be able to foster further changes in political practice, it is precisely the ability to have an impact at the entity level that is indispensable. Participation at the federal state level is undoubtedly necessary, but it will have little impact if it is restricted to this level. Thus, contrary to its own intentions, in a number of areas, TI has seen itself pushed into the role of an external, critical observer (or “watchdog”).

ALAC-BIH’s emphasis upon (policy) advocacy and thus upon those areas of activity that are directed toward stable cooperation with political institutions, leads the chapter into a kind of dependency that has an impact upon the framework of action for its projects. In order not to damage its fragile relationships with political institutions, ALAC is only able to exert minimal pressure upon these same institutions when it comes to the clarification, resolution and discovery of individual cases of corruption. “Our key challenge is that we are not so popular among the government institutions. It’s always difficult to do advocacy work and to do legal aid and help citizens in concrete cases. To ask institutions what is happening in those cases, what is happening in that case, and to make some kind of pressure on them. And that’s always a dilemma, you know, what approach” (S.1, Interview 7).

4. ALAC Collaborative Relationships

In general, the TI-BiH seeks to create an “asymmetrical” network with organizations, NGOs and comparable interest groups. In this context, asymmetric refers to the idea of connecting different issues, different orientations and different levels (e.g., state, entity, city, commune) with each other.

4.1 Collaboration with other NGOs

Partnership relationship exists to several other NGO. The collaborative exchange has primarily involved strategic knowledge transfer in the subject area of public relations. Furthermore TI BiH established a Freedom of Information Act (FOIA) network and 14 NGOs form BiH are members. TI BiH established this coalition of NGOs with aim to monitor implementation of anti-corruption reform in the country.

4.2 Collaboration with the Media

In the BiH, relationships with the media (TV, radio, print, Internet) vary depending on the individual sub-state. In the sub-state of Republika Srpska (RS), powerful individuals with influence have almost exclusive control of the media. This situation limits their willingness to cooperate. In the BiH Federation, the media is somewhat more diverse and independent. As a result, contacts are more extensive.

In general, those relationships that exist are described as good, stable, reciprocal and constructive, and extend to both freelancers and employed journalists. There is a tendency to use media contacts mainly for the purposes of advertising, information and education, and less often for publicizing individual cases of scandal. This strategy would appear to originate from the following circumstances: (a) the self-defined goal of pursuing (policy) advocacy, and (b) the willingness for cooperation on the part of political institutions that is necessary to meet this goal and is often lacking. The opinions of the ALAC actors could be paraphrased by stating that, given the political circumstances and the resulting fragility of cooperation relationships with political institutions, public exposure and scandal mongering about corruption cases would be tactically unwise.

Early in its career, ALAC BiH publicized a particularly sensitive case of corruption, which revealed the involvement of individual members of the government. In response, TI-BiH was placed under great pressure to halt its investigation. Years later, there are still not collaborative relations with this government. However, if requested, ALAC does help to establish contact between informants and journalists in order to place pressure upon political institutions when appropriate.

Moreover, TI BIH presents a series of trainings that are directed at journalists. Well-known representatives of the branch provide insights into the practice of investigative journalism. The legal situation in BiH (with regard to corruption) is presented and reforms and flaws are noted. Thus, in a very general way, TI encourages investigative journalism.

5. Whistleblowers

First it should be noted that there is hardly any information about whistleblowers to be gleaned from the interview material from Bosnia and Herzegovina. It seems that this subject

(still) is not accorded much importance. In part, this must be the result of the absence of any truly democratic distribution of power in the country, especially in the sub-states. The Mafia-like networks inside the BiH Federation and the Republika Srpska practice their own rules of conduct and laws, whose contents vary according to the nature of the current bosses and allow for no criticism. The term whistleblower is used by the ALAC actors as a synonym for witnesses of corruption in distinction from victims of corruption and is not specified further. They take note of the importance assigned to this subject by the TI administration, but they do not share this perspective to the same degree.

There is no specific legal protection for whistleblowers, only provisions in sectoral Laws (codes of conducts, labor laws, witness protection normative etc.). Criticism is mainly expressed through investigative journalism or in weekly newspapers reporting. In those media outlets ALAC plays an important role by providing journalists the necessary information on specific cases. Whistleblowers often turn to media as their final destination. But, before they do that, they also come to ALAC. These persons have proved to be a valuable source for information on public malpractice and are considered to be very cooperating and aware of their rights.

5.1 Societal Ramifications of Whistleblowing

General social perception of those who report possible irregularities in their environment, be it in state entities, business companies or informal groups of people (neighborhood), stigmatizes them as „snitches“ and as such are not welcome. Another problem can be the fact that the majority of population is ready to publicly speak about bad functioning of the state, or companies, corruption and visible crime, but these statements only represent general attitudes. Citizens are not ready to officially report these findings to competent entities in their environment, and it is common that citizens do not report even those criminal offences they encountered by chance. Citizens do not trust the institutions: police, prosecutor’s office, state authorities and they generally fear, often rightly, that they will only cause problems to themselves by reporting perpetrators of criminal offences which will lead to inconveniences for persons reporting, while there is a clear perception that the reported persons will suffer no consequences whatsoever.

The typical BiH whistleblower generally comes to TI with a very well documented case, something that the employees tend to attribute to the high level of education of this client group. Most of such cases are related to corruption in administrative and parliamentary institutions. This characterization by the ALAC actors might lead to the conclusion that this tends to be a prestigious and thus positively regarded group of the population. It is implicitly assumed that the whistleblower is in a position to recognize real flaws in the system based upon his/her education and powers of judgment and is disclosing these flaws for the benefit of the general public. In this perspective, we are not dealing with enemies of the state or traitors who are opposing an unimpeachable, proper political order in the capacity of troublemakers. Lack of education, poor powers of judgment and basic lack of knowledge exist as serious deficits across the broad population. Hunger, existential needs, civil war and ethnic

separatism govern people's daily practices and leave little time or space for learning or social engagement.

However, the TI actors see a larger problem in the unclear motivations and complications of assessing *witnesses* of corruption overall. On the one hand, in the ideal case, the guiding principle should be the interests of justice and the general welfare to the extent that this involves a whistleblower. On the other hand, pointing to the faults of others is often used by individuals for the purpose of self-aggrandizement and only cloaked in the robe of selflessness. For the ALAC actors, assessing motivation and thereby determining whether one is truly dealing with a whistleblower would appear to be the central issue, but it is also a central problem. The assumption that whistleblowers act from selfless motives could be an indicator for ALAC employees and be helpful in assessing whistleblower's motives, even reality shows, that almost every whistleblower acts out of personal interests.

5.2 Legal Protection for Whistleblowers

(Following information were prepared by members of the BiH ALAC, Interviewees mentioned the non-existence of legal protection for whistleblowers.)

There is no law, a separate legal act, in BiH that executively regulates the matter of whistleblowing at any level of authority. According to GRECO compliance report⁴ "The authorities of Bosnia and Herzegovina report that no steps have been taken to introduce rules on reporting corruption in public administration and the corresponding protection of whistleblowers". Also Report of the Council of Europe Parliamentary assembly Committee on Legal Affairs and Human Rights indicated "the absence of any kind of specific legislation regarding the protection of whistle-blowers in the respective national legislation"⁵. In 2009 Global Integrity Report assesses Bosnia and Herzegovina's 2009⁶ whistleblower protection mechanism as very weak with score "0".

Even though there is no separate law in Bosnia and Herzegovina that would regulate the matter of whistleblowing, some other laws define rules that provide for legal protection of persons that submit information to public authorities and receive legal protection thereon. Primarily, the Law on Protection of Witnesses under Threat and Vulnerable Witnesses. A witness under threat is a witness whose personal security or the security of his/her family is endangered through his participation in the proceedings, as a result of threats or similar

⁴ Second Evaluation Round; Compliance Report on Bosnia and Herzegovina, Strasbourg, 19 February 2009, Public Greco RC-II (2008) 7E

[http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoRC2\(2008\)7_Bosnia-Herzegovina_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoRC2(2008)7_Bosnia-Herzegovina_EN.pdf)

⁵ Report of the Council of Europe Parliamentary assembly Committee on Legal Affairs and Human Rights: The protection of "whistle-blowers" 14 September 2009. Rapporteur: Mr Pieter OMTZIGT, The Netherlands, Group of the European People's Party

⁶ Global Integrity report: Bosnia and Herzegovina 2009 (An Integrity Indicators scorecard assesses the existence, effectiveness, and citizen access to key governance and anti-corruption mechanisms through more than 300 actionable indicators on scale 0 - 100. 0 – non-existing, 100 fully operational)

<http://report.globalintegrity.org/Bosnia%20and%20Herzegovina/2009/scorecard/59>

actions pertaining to his/her testimony, or a witness who deems that there are reasonable grounds to fear that such a danger could be a consequence of his/her testimony.⁷

A vulnerable witness is a witness who has been severely physically or mentally traumatized by the events of the criminal offence or otherwise suffers from a serious mental condition rendering him unusually sensitive. A vulnerable witness is a child or a juvenile person.⁸ With the aim of protecting a witness under threat or a vulnerable witness, the court that leads the criminal procedure may remove the accused from the courtroom during the testimony of the witness under threat or vulnerable witness or with the aim of not revealing the identity of the witness under threat or vulnerable witness, the court may decide that some or all of the personal details of a witness under threat or vulnerable witness may continue to be kept confidential after the indictment is issued. Additionally, the court may, with the aim of protecting the identity of witness under threat or vulnerable witness, allow the witness to testify behind a screen or utilizing technical means transferring image and sound. In the practice of Bosnia and Herzegovina, particularly in war crime cases, the provisions of the Law on Protection of Witnesses under Threat and Vulnerable Witnesses are often applied. Also, Bosnia and Herzegovina has the Law on Witness Protection Program in Bosnia and Herzegovina⁹ that establishes the Witness Protection Department within the State Investigation and Protection Agency (SIPA) and regulates the witness protection program, confidentiality and protection of witness personal details, provision of temporary fake identity, as well as other matters.

Laws that regulate labor (laws on labor, entity level) and regulations on civil servants (laws on administrative service) contain no provisions that refer to whistleblowing, i.e. there are no legal provisions that allow employees to report irregularities or illegal actions they encounter at work. The Law on Labor (Article 120) does allow employees to report irregularities to the competent inspection but only if they refer to their legal and labor status – work contract, wage, vacation, leave and similar. To the contrary, the Law on Labor stipulates that “revealing business or official secret”¹⁰ represents a grave violation of labor relations causing serious damage to employer’s interests and the employer may unilaterally terminate the contract with the employee thereon.

6. Case-specific Brief Summary

The difficulty that characterizes TI Bosnia and Herzegovina relates to the split between institutional proximity and citizen representation. The problem is generated both by the political conditions in the country and by the intensity of the internal goals that only minimally take political circumstances into account.

⁷ Law on Protection of Witnesses under Threat and Vulnerable Witnesses – Article 3 Paragraph 1- (Official Gazette BiH, cleared, unofficial text 3/03, 21/03, 61/04,55/05

⁸ Ibid, Article 3 Paragraph 2

⁹ Official Gazette of Bosnia and Herzegovina number 29/04

¹⁰ Law on Labor, Article 98 Paragraph 2 Item 4 (Official Gazette of Republika Srpska number...../2007, cleared text)

The federal state of Bosnia and Herzegovina is divided into two largely autonomous sub-states, the Federation of Bosnia and Herzegovina (Federation BiH) and the Republika Srpska (RS). The BiH Federation is inhabited almost exclusively by Bosnians and Croats and the RS by Serbs. Ethnic particularism governs politics as well as everyday life and palpably weakens the central government, which is ruled by representatives from all three ethnic groups. Mafia-like networks dominate the division and exercise of power within the sub-states. Any rebellion against established structures is avenged by intimidation, social isolation, mobbing and even the disappearance of “troublemakers” and those associated with them. Corrupt practices (payment of bribes, cronyism, etc.) are widespread in everyday practice and further reduce the already diminished trust citizens have in the political order. Hunger, existential need and (ethnic) conflicts from the civil war dominate the lives of the inhabitants and leave little room for social engagement.

It was under these circumstances that TI, with help from the German Foreign Ministry, founded its first branch in Banja Luka, the capital of the Republika Srpska. The BiH Chapter was launched on 23. February 2001 and received full accreditation as recognition for its successful work on 12. October 2002. Only three years later (2003), TI inaugurated the first ALAC in Bosnia and Herzegovina. In 2004, this time with support from the European Commission in reaction to the increasingly tense ethnic situation in the area, TI opened a second branch in Banja Luka, the capital of the Republika Srpska. The chapter’s employee staff is composed of representatives from all three population groups (Bosnians, Croats and Serbs). With this quite deliberate demonstration of impartiality, TI/ALAC is pursuing its goal of obtaining recognition from the entire population and promoting the willingness of all political institutions to cooperate. In fact, TI’s reputation as being an independent organization has proved to be a double-edged sword. Independence, which in the BiH is primarily associated with the keyword “internationalism,” does have the effect that all three population groups (Bosnians, Croats and Serbs) accept TI/ALAC and seek out its services. On the other hand, the political institutions use its independence to justify their lack of willingness to cooperate, precisely because they so thoroughly repudiate international outside influence.

Political institutions show little willingness to cooperate and over the years, their willingness has steadily declined. Willingness to cooperate also varies within the individual sub-states depending upon the opinion of the government that is currently in power. Often, partnerships are linked to the good will of specific individuals and thereby put TI in a counter-productive relationship of dependency.

These difficulties are aggravated as a consequence of the internal goals established by ALAC of wanting to link advocacy and legal advice. On the one hand, there is the intention as a policy advocate of promoting structural reforms in the legal system and in the political practices of the country, goals that require solid and constructive cooperation between TI and the government institutions for the success of the projects. On the other hand, over the course of specific legal advising, individual cases are encountered where there is direct confrontation with the political institutions, since counselling and advising is undertaken about specific

cases of corruption. As a representative for individual citizens, ALAC thus provides education that exposes specific institutional failures and in this perspective, it places itself in opposition to those institutions.

However, in order to avoid damaging the few and fragile cooperative relationships that exist on the institutional level, pressure has to be administered carefully in tolerable doses. Thus, it would appear that there is a serious conflict between institutional proximity and citizen representation in the tightrope dance, which would not appear to do complete justice to either of the two internal goals (legal advice or advocacy).

Apart from that, however, ALAC provides another important contribution to the population, even if it is not the primary intention. Precisely because in large portions of the country, there is a lack of basic knowledge about political and especially bureaucratic processes, ALAC BiH in its primary function operates as a form of a Citizen's Advice Centre, which above and beyond its corruption-related legal advising provides assistance in coping with administrative processes. Many BiH citizens turn to ALAC out of ignorance of bureaucratic procedures and are educated about standard procedures and institutional connections. In the long run, or so it is hoped, trust in the formal political order can be strengthened and thus a contribution made to stabilising the democratic federal state.

ANALYSIS OF THE ALAC IN AZERBAIJAN

1. ALAC Services

The Azerbaijan ALAC was opened on 1st April 2005, whereby Azerbaijan became the first country in the Commonwealth of Independent States (CIS) to have an ALAC. A Head Office was opened in the capital Baku, and a Regional Centre in the city of Ganja, 300 km away. Next year, two further Regional Centres were opened in the cities of Lenkoran (1st July) and Guba (1st August), largely funded with grants from the United States Agency for International Development (USAID) and Organisation for Security and Co-Operation in Europe (OSCE). The next year, in February 2007, the most recent Azerbaijan ALAC was opened in the city of Sheki. An important part of the ALAC project in Azerbaijan is providing legal advice, especially to the rural populations. This is why TI-Azerbaijan opened four Regional Centres in different parts of the country. Taken together, the five ALACs aim to inform the citizens of Azerbaijan about the various forms of corruption and in particular to lay bare the destructive consequences of corruption. Free legal advice is offered to those who have been the victims of corrupt practices (for the most part), and also to witnesses. Both victims and witnesses receive support in the ALACs if they have any general questions about the law, or if they are planning to take a particular grievance to a public agency or to a trial. The overarching aim of the ALAC project is to provide citizens with the means to become actively involved in the fight against corruption in their societies. To this end, all sections of Azerbaijan society are mobilised in the fight against corruption. From civil groups to businesses, including the public sector and the various media outlets (most of which are regulated by the state), TI-Azerbaijan and the ALACs inform and brief all relevant social groups about corruption and anti-corruption measures. The main focus of the ALAC's work is on legal advice. "The ALAC project goal is to address problems at the grass-root level where corruption is observed by ordinary people." In all, the Azerbaijan ALAC project comprises five fields aimed at attaining maximal public awareness of corruption. The field of Legal Advice is concerned with person-to-person consultation on the law in each of the ALACs. The Education and Information field works to inform the citizenry about corruption and anti-corruption measures, while working with the state-regulated media and other educational partners. The field of Advocacy includes Monitoring, and also draws up recommendations in the field of national policies, anti-corruption legislation and institutional practices. Capacity Building comprises internal training and professional development programmes for the civil society, as well as for public servants. The ALACs organise Public Outreach Campaigns through mobile training events and seminars, in order to offer free legal advice to those parts of the rural population who would not otherwise be able to use the ALAC services.

1.1 Legal advice

The Legal Advice service is an especially important part of the ALAC project, since it fulfils a dual function. Externally, the service works to a certain extent to motivate citizens to fight against corruption. The offer of free, impartial legal advice creates the impetus to approach the question of corruption from a new angle. Corruption is pervasive in Azerbaijan. As one

project leader describes the situation in the country, "Our system is totally corrupted; from lower public agencies to upper institutions." For many Azerbaijanis, paying bribes is a natural part of daily life. Legal Advice aims to explain to the citizenry that bribery and venality are by no means the norm, even though it may seem so from their daily experience. They are shown ways to protest and defend themselves against baseless demands for money. The Legal Advice service thus offers people concrete help in understanding the administrative and legal complaint procedure, and in availing themselves of the right tools against corruption. Internally, that is in its cooperation and network-building with other fields of the ALAC project and other TI-Azerbaijan projects, the Legal Advice service works together with Monitoring, since the cases documented during legal consultations are statistically evaluated and assessed. Thus the cases which citizens bring to the ALACs allow a more or less realistic appraisal of the conditions of corruption in Azerbaijan. Because of the concentration on the rural population and its concerns, most cases addressed fall under the heading of petty corruption. Although ALAC staff have good reason to suspect that there are high level cases of corruption in the oil industry, they have not been able to gather sufficient data about such cases. A particular feature of the Azerbaijan ALAC is that the Legal Advice service does not only address cases of explicit corruption. "We are not accepting only corruption cases and it is not the main issue to help only actual victims of corruption. Corruption is so wide spread that any contact with a public agency has quite a high probability for one or another form of corruption" Instead, the emphasis is squarely on legal advice in the broad sense, and not on legal advice in cases of corruption. A founder member of the ALAC project explains why the area of consultation was expanded, saying, "We should accept every client coming to us and provide them with legal advice, to empower them, educate them so that they can solve the problem and resist corruption practices once they encounter on their own." The theme of actual corruption is seen as secondary. For ALAC staff, it is more important that citizens are informed about their rights in general. This interpretation of the ALAC concept also means that the ALACs organise Public Outreach Campaigns through mobile training events and seminars. This form of service provision may be seen as accommodating anti-corruption measures to the specific conditions of the country. Half of the Azerbaijan population lives in rural areas. In order to be able to reach this sector of society with information about their legal rights and the available options against corruption, ALAC staff go to the villages and arrange suitable informational events on the ground. In the rural areas in particular, there is little or no detailed knowledge about corruption. Similarly, only a very few know about their personal rights and how these may be protected by law. Also important is the fact that people, especially in the rural areas, develop better trust during face-to-face contacts. ALACs discovered over time that though substantive finding was spent at the project start on advertisement, gradually the word of mouth became the best way to disseminate information on ALACs and their services. While citizens show a clear will to protect and defend themselves against injustice and corruption, there is also a widespread lack of awareness of the range of available options. Here the ALAC staff's mobile training events and seminars are an effective way to educate people and involve them in anti-corruption activities.

1.1.1 The activist self-image

ALAC staff see themselves as there to offer help, and above all to help the rural population in their difficulties. This self-image also finds expression in the fact that they offer legal consultation on other areas than exclusively in corruption cases. "We are giving legal advice and trying to help all people who have problems." Especially those who are not financially well off profit from this expanded legal advice service. "We support such people and always try to help them that way." Since paying bribes is an everyday occurrence in Azerbaijan, whether in school or university, in court, at government offices or at the border, it is above all the poorer sectors of the population who turn to the ALACs when they need something particular done, since they cannot pay a bribe. ALAC staff see these people above all as their primary clientele. An ALAC will hardly ever turn away a case of a citizen or a business entity versus authorities. ALAC staff do not strive to choose between those cases that have to do with corruption and those that do not, but to give legal advice to as many people as they can reach. Activists also see their advice and consultation as an important social function. The self-image is not solely that of a legal expert, but also that of a social worker. "We are working with people so we can say that we are also performing social work," as one ALAC staff member describes his view of ALAC's day-to-day work, and in this he speaks for many. They feel they must particularly stand for the citizens' interests where state institutions fail. We may say that a primary motive for activist engagement with TI-Azerbaijan and its ALACs is the chance to help the populace to defend their rights in contact with public agencies and inform them of their available options.

1.1.2 Concrete Help

On average, about 15-20 people use ALAC services every week. Demand is significantly higher in rural and semirural places than in the metropolis of Baku. The number of people given consultation and advice since the ALACs were established is quoted as 27,590, of whom 3,600 as of 31 December 2010 have put their complaints into writing. Following Diagram from three ALACs (Baku, Ganja, Guba) for October-December 2010 shows the distribution of complains:

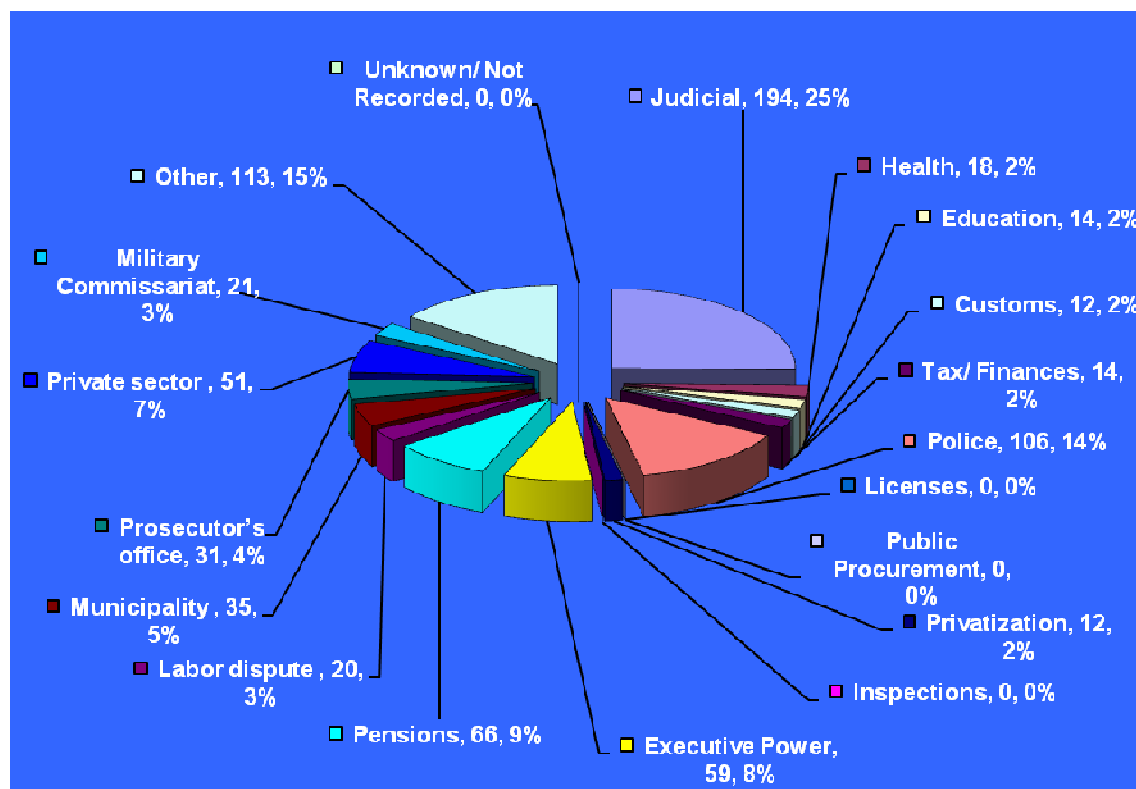


Table A: Distribution of complaints

In the first instance, the ALACs offer help by providing free consultation and advice on various legal points. Free hotlines allow citizens to get in touch with the ALACs, and they can also make contact via letter, fax or email. Before a person is offered legal consultation, there is usually a short telephone conversation to establish the facts of the case. The hotline is serviced by volunteers – usually senior grade legal students. Legal advice is then given either over the telephone or in the local office. Consultation and advice always begins with a short conversation during which an ALAC staffer collects statistical data, such as the client's name and age and the type of his or her grievance. The legal advice is given by lawyers employed for the purpose by the ALAC. If desired, the lawyers can then help draw up written letters of complaints, which the ALAC clients write, there and then, in the office, but which the lawyers or other staff do not themselves write - every ALAC staff interviewee took care to point this out as a very important part of procedure. The ALAC then attach their own letter to these hand-written, signed letters of complaint accompanied by a copy of the national passport, as the law does not allow to attend to anonymous complaints and the dossier is sent to the relevant governmental body. In most cases this is the State Registry of Real Estate or municipalities, for problems of land ownership and distribution, or the Ministry of Labour and Social Protection or Social Protection Fund for such problems, such as bribe-taking, problems with pension payments or matters of employment law. However, in most cases complaints involve courts or the police. Workshops organised by the ALACs, either in-house or on their visits to the villages, may also be classed as concrete help offered to the populace. The workshops "in the field" are seen as especially valuable. "After this kind of workshop, people began to talk about corruption and they are motivated to fight corruption." It is also worth noting that after such information campaigns, the number of grievances reported to Regional Centres increases, which can be seen as a good indication of the campaigns' success. The four

Regional Centres also have integrated Resource Centres, used largely by students, who can borrow books using their student card, or avail themselves of informational material about various fields of the law. Setting up the Resources Centres to educate citizens in the law is a fixed part of the Azeri ALAC project, which the younger generations use the most.

1.2 Advocacy

The field of Advocacy is conceived as supporting and complementing Legal Advice. Advocacy measures aim on the one hand to draw people's attention to corruption and, on the other hand, to support State authorities in strengthening their capacity to process complaints. All measures build upon the cases handled and compiled in the ALACs, which almost exclusively deal with petty corruption. ALAC successes are reported in press releases and in regular in-house publications. Investigative and critical reporting is impossible in Azerbaijan, because of state regulation of the media, in particular the radio stations. The "State Authorities" are won over to offer their support by legwork, and by working with them. ALAC staff begin by helping citizens write their letters of complaint, then append supplementary letters to these handwritten complaints, and ensure that they are sent to the correct state body. Since most grievances concern either disputed entries in the land register or bribe-taking in almost every imaginable area, most letters of complaint are in principle sent to the following governmental authorities, either the State Registry of Real Estate, the Ministry of Labour and Social Protection, Social Protection Fund, Ministry of Interior, or Judicial Legal Council. Insofar as legally trained ALAC are helping complainers to use the existing legal process, the ALAC is also supporting the government in its work, ensuring that there are fewer problems in processing such cases. Since the ALACs make sure that the letters of complaint conform to all procedural requirements, the ALAC is giving effective support to the institution which receives these letters and must address the grievances. Overall, TI-Azerbaijan's Advocacy measures and those of its ALACs have two fields of activity. One activity is to convince citizens not to pay bribes. This is largely public information work. Many people do not know that paying bribes over the official fees, for instance when they apply for their official documents, is not something to be taken for granted. Advocacy tells them that they have the right to obtain these documents (e.g. passports, etc.) free of charge. These public advocacy campaigns have an education effect, indeed a threefold effect: (1) the citizens notice that they can insist on their rights and receive documents free of charge, so that (2) they will also insist on not paying bribes on the next such occasion, and so that (3) they will also pass on this positive experience to others around them, telling them of their rights in the same way that they themselves learned. Thus Legal Advice services offered in individual cases extend their reach and become Advocacy measures in their own right, affecting corruption practices well beyond the individual case. People are learning that they can solve their problems without paying bribes. People talking about not paying bribes, contributes to changing society's attitudes toward corruption. On the other hand, Advocacy aims to ensure that persons in authority such as judges, police officers, teachers, governmental officials, etc. do not demand bribes. It is considerably more difficult to organise successful action in this field, since Public Education measures fall short of what is needed. Most grievances handled by the ALACs concern the behaviour of judges. In Azerbaijan, judges demand bribe money

not just to influence their decisions, but even to pronounce at all in a case. An ALAC lawyer describes the situation as, relatively speaking, hopeless: "We can't change the minds of judges. We can educate them, we can hold seminars, but as an organisation we can't put pressure to judges or enforcement bodies." There is still a great deal of work to be done in Azerbaijan to stop bribe-takers demanding payment, and there is no prospect of quick success here. What hope there is, is directed at training and qualification for younger judges, since there seems next to no chance of being able to change attitudes among the old guard of the judiciary.

1.2.1 The activist self-image

ALAC staff and activists see themselves as the vanguard of a new Azerbaijan. They often have personal motives in joining the fight against corruption. One staff member describes as follows his reasons for working for TI-Azerbaijan as a lawyer, even though he earns only about a third of the standard salary for this profession. "I always hated corruption. Although I work as a teacher at the university and so many people offer me bribe, I never accept it. I always struggled against corruption during my university years, that's why it was really interesting for me to be involved in this project here and help people to fight against corruption." Another TI-Azerbaijan lawyer describes her motivation in very similar terms: "I was always struggling against corruption as an individual. When I saw the position for a lawyer with TI-Azerbaijan, I knew this was the right position for me (...) Salary in this organisation is not very high. I could earn twice as much in the commercial sector." ALAC staff and activists see TI-Azerbaijan's work as a counterpart to the omnipresent habits of corruption, and as a service to Azerbaijan's future. Generations to come should not have to undergo the same experiences as the activist generation. Bribery in nearly all areas of society is seen as an obstacle to Azerbaijan's democratic development, and it is this democracy which all ALAC staff wish to attain.

1.2.2 Case Advocacy

The focus of TI-Azerbaijan's ALAC work originally was not so much on evaluating and compiling corruption profiles as on individual consultation and advice. At the moment, ALAC's networked software is not used to assess and compile cases, but rather ALAC staff archive cases in files and Excel spreadsheets. The head Office in Baku then uses the resulting quantitative statistics to draw up quarterly reports and send these to the media. Case Advocacy in Azerbaijan, in the sense of systematically creating "types" of cases based on actual grievances, is to an extent a shared cooperative project with the government. As part of a strategic partnership with the government, a corruption report is drawn up at the end of each year giving statistical information about the prevalence of corruption and about anti-corruption measures. These reports document all cases that the ALAC referred to the government as part of their Legal Advice services, and that the government addressed. Thus the cases the ALACs raise are incorporated into official statistics and annual reports.

At the time of the interviews the advocacy component was only designed – so staff had little final information to speak of. Recent ALAC project started as of 1 July 2010 implies a strong advocacy component and more in depth analysis of corruption issues within the sectors complained of by clients is conducted and common, frequently encountered pattern corruption cases, areas identified with recommendations/action plan prepared on how to address the main cause of the problem, what systemic changes need to be introduced to fight the core problem that corrupt practices originate from. Problems identified as a result of analysis of the statistical data on complaints are used for targeted advocacy work, civic education and public outreach activities. So, far advocacy round tables have been arranged and recommendations designed for the Ministry of Education, Commission for Public Service and Judicial Legal Council.

1.2.3 Policy Advocacy

Policy Advocacy measures by TI-Azerbaijan and its ALACs aim to promote institutional change in the country. The first and most necessary step for these measures was thus to set up links with the state institutions. At first, the public agencies refused to work together with the ALACs. This refusal took the form of, for instance, neglecting to answer the letters of complaint which the ALACs helped to draw up and submit. In numerous conversations which followed, ALAC staff explained to government representatives how they worked and what they sought to achieve. "We are trying to show public agencies that we are not working against them, our work is somehow part of their work and it can be more effective if we work together." Seminars and training events made it possible to change public agency attitudes to TI-Azerbaijan and ALAC for the better. Meanwhile the government also passed a new anti-corruption law, obliging public agencies to report regularly on the concrete steps they are taking to combat corruption. Letters of complaint are now nearly always answered, and the number of cases resolved has risen significantly.

2. Organisational levels of the ALAC

The ALAC project in Azerbaijan consists of a Head Office in Baku, the capital, and four more Regional Centres in the cities of Ganja, Lenkoran, Guba and Sheki. These Regional Centres are all subordinate to Head Office. All spending is centrally handled by Head Office. The Regional Centres cannot disburse money without Head Office approval. Otherwise, the Regional Centres have as much freedom and autonomy as practicable. When new project coordinators are appointed, they are sent out to the various Centres for training. There is a continuous exchange of know-how, and get-togethers are organised. The ALACs communicate using the free Voice-over-IP software, Skype and annual meeting of ALAC lawyers in the head office in Baku.

2.1 Relationship of T-IS to the ALAC

The Secretariat (T-IS) in Berlin coordinates anti-corruption campaigns in over 60 countries worldwide, including, since 2001, Azerbaijan. T-IS takes care to refrain from influencing concrete work at the national level. Regular reports from the Azerbaijan NC keep T-IS up to date with corrupt practices in the country and with campaigns mounted against these. Founding TI-Azerbaijan was a T-IS initiative. T-IS allows all NCs in the various countries considerable freedom of action, as shown by the organisational circumstance that each NC acts as an independent local NGO. This is also the case in Azerbaijan, and here too the NC works largely independently of T-IS and of National Chapters in other countries. This independence is most obvious in two areas, noticeable in all NCs around the world. On the one hand, NCs have authority to develop their own policies to supplement the general approach, and on the other hand each NC is also responsible for its own fundraising. This decentralised organisational structure is characteristic of Transparency as an anti-corruption network, and typifies the guiding principle that although corruption is certainly a global phenomenon, it is not universal. Rather we find that corruption always takes place under local conditions, specific to each country. Thus independent, locally operating organisations, such as the various National Chapters in Transparency, are an effective tool for fighting corruption, with which anti-corruption measures may be adjusted to specific local conditions. Currently, TI-Azerbaijan and T-IS cooperate mostly in organising ALAC workshops. Because TI-Azerbaijan opened its ALACs in 2005, only two years after the very first ALAC was founded, staff here have been able to gather much experience since and are in a position to share their know-how with other interested activists, through training events and workshops. Additionally, they use TI-Romania's training material, which was used to help set up the Azeri ALACs and which TI-Azerbaijan now uses for training purposes elsewhere. In their ALAC workshops, TI-Azerbaijan show how to set up and develop an ALAC, how to lead it effectively and long-term, what risks are associated with opening such a Centre and what financial problems might occur. T-IS sets out how the ALAC should communicate with T-IS, how to prepare reports for T-IS, and how these should be submitted. In 2009 workshops were organised with T-IS staff and activists in Head Office in Baku. Over four days, TI colleagues from European, Mediterranean and Central Asian countries such as Nepal, Pakistan, Vanuatu, Russia, Georgia, Mongolia, Lebanon and Morocco could learn how to develop, set up and successfully run an ALAC, and what campaigns and initiatives go into the ALAC project. A further workshop with a similar programme was also run with TI colleagues TI Turkey.

2.2 Relationship of NC to ALAC

It is difficult to describe how the NC relates to the ALACs, since these two areas are hard to differentiate. From the interview material collected, we can see that the work of the ALAC, in particular legal advice and consultation, is the central pillar is TI-Azerbaijan's work. The NC is virtually identical with the ALAC Head Office in the capital, Baku. While the Regional Centres provide legal advice and consultation in their branches, and organise mobile training teams to reach the rural population, the Head Office is responsible for drawing up press material. Recommendations to governmental bodies, in addition to reports to the Secretariat in

Berlin, are also coordinated by the Head Office. Interview material does not make clear how far the Head Office functions as the voice of the NC rather than of the ALACs. Rather it seems that ALAC, Head Office and the NC are to a certain extent one and the same. Interview partners only rarely used the term NC in their statements, and never as distinct from the ALACs.

2.3 Staff

Overwhelmingly, staff at the Azerbaijan ALACs came to work there by one of two different routes. One sector of staff is made up of people who had previously come looking for advice, using the ALAC Legal Advice service and thereby gaining an insight into how a NGO operates. One project coordinator describes his path into ALAC work in these words: "I needed legal advice at that time. I came here and I talked to the guys. They provided me with legal advice and I liked the work style here. Then I joined them and began to help them." This is not uncommon, and it frequently happens that people given consultation and advice in the ALACs are so impressed by the work done at the Centres that they go on to volunteer. "If they see that they can change something they become part of our organisation and fight against corruption with us." In some Regional Centres there can be as many as 200 unpaid volunteers, mostly students. Others joined the organisation after they came across a job vacancy on the internet. Overall we can say that all staff and activists are well aware of the ideas at the core of their work and are quite ready to earn much less than they might in another position, for instance as a lawyer in the private sector.

2.4 Citizenry

Various paths are taken to raise the ALACs' profile among citizens. Since TI-Azerbaijan has founded five ALACs, the services at each are primarily advertised and publicised at the regional level. Local newspapers, local television and local radio stations regularly report on the Regional Centres and their activities. Most people getting in touch with the ALACs have heard about the free legal consultation from friends, acquaintances or family. The Regional Centres have a great many volunteers, allowing actions that reach the rural population directly. "We went to villages and houses to talk with them and give them onsite legal advices. It was some kind of advertisement and we got the chance to present ourselves to people who live away from city centres and encourage them to come to our office and get legal advice. "Additionally TI-Azerbaijan and the ALACs use particular occasions such as 9th December, International Anti-Corruption Day, to set out their stall for the public. Here various campaigns combine to encourage citizenship activities and initiatives in the fight against bribery and corruption. For instance, on 9th December ALAC staff and active volunteers went from door to door to tell people about the ALAC project, the fight against corruption, its aims, and its successes so far. Information stands with informational material were set up in public places, and interested passers-by could learn about corruption and how to counter it, in a one-to-one conversation. Brochures and flyers were used everywhere. Additionally, podium discussions took place in the Community Development Centres in the

towns of Guba, Ganca, Sheki and Gazakh, each talk being organised together with local media partners. While face-to-face campaigning was more concerned with providing brief information, the podium events provided more chance for a detailed discussion of the problems of corruption. Each form of campaigning complemented the other to create a maximum of public awareness by addressing different target groups.

3. Cooperation between the ALAC and government

When the ALAC was founded in 2005 it was the first to be established in any CIS country. From the beginning, various international and transnational governmental bodies have supported the Azerbaijan ALAC project's growth and work. In the first phase, the United States Agency for International Development (USAID) contributed money to TI-Azerbaijan. The US Trade Ministry's International Trade Department Good Management Programme funded publication of the book "Business Ethics Code for 10 Azerbaijani Companies" in Azeri, English and Russian. The Codes of Conduct set out in the book are still used today as illustrative material and as a useful basis for discussion in business-oriented seminars and workshops. Norwegian Embassy supported publication of Business Ethics Manual for Azerbaijan Companies. Both books are also used as part of National Anti-Corruption Week, supported by the Norwegian Embassy in Baku to introduce Azerbaijan business leaders to Western business ethical principles and standards and to improve their market situation with targeted training events. Additionally, the United Kingdom Foreign and Commonwealth Office (FCO) and the OSCE contributed financially to founding and developing the ALAC. Costs for TI-Azerbaijan's web presence are subsidised by grants from the Eurasia Foundation and the European Commission. At the national level there is close cooperation with the Azeri government. TI-Azerbaijan campaigns to make the recruitment system in public administration more transparent and to involve civil society in this process. The government has adopted some of the recommendations formulated to meet this goal. As a result, there is a strategic partnership between the government and TI-Azerbaijan. This partnership is documented in the National Strategy on Increasing Transparency and Combatting Corruption for 2007-2011 which refers to Transparency International as the main strategic partner of the state in the combat against corruption. Similarly, TI-Azerbaijan's recommendations have been partly implemented by the government. TI-Azerbaijan documents this implementation in a monitoring process and is preparing a report. This process was successfully used in the selection of judges. In Azerbaijan, judges are selected by a specific process which TI-Azerbaijan has been able to monitor and document. It was a TI-Azerbaijan initiative to ensure that this selection process is transparent for citizens and the public. The government agreed with the suggestion and TI-Azerbaijan is now tasked with monitoring judicial selections. This is a very hopeful success. An activist at ALAC Head Office comments: "The situation is changing day by day, year by year. Two, three years ago, nobody would have believed that one day members of a civil society organization would monitor the judges' selection process. But now we are doing it. We hope that one day Azerbaijan will be a member of the democratic world." TI-Azerbaijan also helped some public agencies, for example, the Ministries of Education and Labour and Social Protection to establish and operate their hotlines. TI-Azerbaijan also contributes training events to the curriculum for public and civil

servants. "We hold training events for public officers including the police, the military, teachers, officials of the Real Estate Registry, and others." The government does not however support TI-Azerbaijan or the ALACs financially. Strictly speaking, there is not even any particular government demand for the training services that the ALACs offer. "If we did not ask them to allow us to hold seminars for them, they would never invite us to do it."

4. ALAC cooperative projects

The Azerbaijan ALAC takes part in numerous cooperative projects with other NCs. Since TI-Azerbaijan was the first ALAC to be founded in any CIS country in 2005, the Azeri NC is the vanguard in the region. It also offers training and advice to colleagues in other NCs such as Russia, Turkey or Pakistan. The ALAC is involved in the programmes of many governmental bodies and NGOs through its fundraising activities. Additionally, TI-Azerbaijan and its ALACs are a mainstay of the Network against Corruption, a coalition of over 20 NGOs engaged in the fight against corruption.

4.1 Cooperation with other NGOs

USAID, the FCO and OSCE support TI-Azerbaijan as governmental organisations, yet in setting up the ALAC project it also had the help of the American Bar Association (ABA), more specifically of the Central Europe and Eurasia Law Initiative (ABA CEELI) founded by the ABA in 1990. The ABA is an association of lawyers, judges and law students in the USA, and is the largest voluntary professional association in the world. The ABA CEELI was founded as the ABA's first international technical legal assistance programme after the fall of the Berlin Wall and the accompanying processes of transformation in former Eastern Bloc states. There is also cooperation with the Society for Human Rights Azerbaijan, a national NGO which is part of a global human rights organisation and with the Centre for Innovation in Education Azerbaijan, which is likewise a national NGO that is part of a global organisation active in the field of education around the world. All cooperative projects with other NGOs help secure funding for the various ALAC projects.

4.2 Cooperation with the media

Cooperation with the media is especially important for TI-Azerbaijan and its ALACs in the field of Public Relations. Cooperation with the media is made more difficult by the circumstance that the media in Azerbaijan are not entirely independent. Rather there are two kinds of media, "government media" and the opposition. In drawing up press releases or passing documents to the media, the TI-Azerbaijan press office takes care to find similar values for both parts. There are nevertheless problems bound up with the need to address two different groups. "To work as a media adviser in Azerbaijan is not easy," as one activist describes his situation. On the one hand, press material must not be too critical in reporting on corruption, since if it is, it will only be published by opposition media, which barely have any

public resonance in the country. On the other hand, positive news is obviously published in the government-controlled media but ignored by the opposition media, who have no interest in positive reports. TI-Azerbaijan aims to reach both opposition and government loyalist media with its press releases. In reality though, this is an insuperable task. In order to reach the greatest possible audience and readership with its information about corruption in Azerbaijan, critical reporting is largely avoided in favour of presenting positive developments. There is no public or media naming and blaming of persons guilty of corruption. The motivation for this rapprochement to the government media is pragmatic rather than political. TI-Azerbaijan does not consider itself either a government or an opposition ally. Its goal is purely "to inform people about our activities and our work." Since the vast majority of citizens take their information only from government-controlled television, for TI-Azerbaijan there is no way around compromising on some content. The internet does offer an opportunity to circulate some independent reports, but is not in itself an alternative to the government television stations, since especially among the rural population, hardly anyone has internet access.

5. Whistleblowers

5.1 Social Conditions for Whistleblowing

Whistleblowing, understood as the revelation of intolerable and publicly damaging abuses by those in power in government or businesses, does not happen in Azerbaijan. All those who turn to the ALACs for help are doing so for private reasons.

5.2 Legal Guarantees to Whistleblowers

No special legal protection is offered to whistleblowers in Azerbaijan.

5. Case-specific summary

Transparency Azerbaijan was founded in October 2000 as a local organisation on the initiative of T-IS, and recognised as such one year later in October 2001. In 2005 TI-Azerbaijan became an official partner of the Azerbaijan Justice Ministry. The strategic partnership between the government of Azerbaijan and TI-Azerbaijan lasts to this day. TI-Azerbaijan is also a member of the nationally active NGO Network against Corruption. TI-Azerbaijan's international partners at governmental level include USAID, OSCE, FCO, Eurasia Foundation, the European Commission and the Norwegian Embassy in Baku. At the NGO level, TI-Azerbaijan mostly works with the ABA daughter organisations ABA CEELI and ABA ROLI. The ALAC project in Azerbaijan started on 1st April 2005, financed by grants from the governmental organisations USAID and OSCE. Azerbaijan thereby became the first CIS country to establish ALACs. TI-Azerbaijan founded five ALACs in all: a Head Office in Baku, the capital, which is also the headquarters for TI-Azerbaijan, and four

Regional Centres in Ganja, Lenkoran, Guba and Sheki. TI-Azerbaijan and its ALACs set themselves a number of tasks, divided into several fields. In the first instance, TI-Azerbaijan plans and conducts campaigns aimed primarily at raising public awareness. The press and media work associated with this field must compromise extensively with conditions set down by the government, which controls all radio stations and most newspapers. There is no critical reporting using, for instance, the principle of naming and blaming. For this reason, ALAC staff and activists describe their media work as difficult. Because state censorship is wide-reaching and comprehensive, it is generally agreed that the best way to inform the citizenry about corruption is by direct communication. Thus the four Regional Centres were opened, to provide the Azeri rural population above all with a chance to use the ALAC services and learn about corruption and anti-corruption measures. Additionally ALAC staff and activists form mobile training teams, travelling to the villages to offer residents Legal Advice services. Additionally TI-Azerbaijan offers various programmes in the field of business ethics principles, to bring local business practices gradually into line with international standards. ALAC staff and activists organise seminars and training for government employees and business leaders, along with round tables and workshops. Especially the training sessions for public and civil servants aim to get the message across that TI-Azerbaijan is concerned to find a common strategy against corruption. Staff and activists as TI-Azerbaijan and the ALACs plan their campaigns to support the government in the fight against corruption. Supporting citizens in writing down their grievances and submitting them as letters of complaint is a measure intended to make it easier for the government to respond to these complaints. The ALACs ensure that the letters are procedurally correct, so that governmental institutions in turn may more effectively respond to grievances submitted for their attention. It may be called a great achievement of the ALACs that the governmental agencies concerned now respond to citizen complaints. Before the start of the ALAC project, letters of complaint submitted to the government went unanswered in very nearly every case. The central pillar of ALAC work is in the field of Legal Advice. It is a particular feature of Azeri ALACs that they also offer legal consultation in other areas of the law, unrelated to corruption. Citizens coming for advice are offered free legal answers to any question they bring. ALAC staff and activists see this legal consultation as a way to empower citizens. Thus the work of the ALACs also includes elements of social work. All those who come to the ALACs with their concerns about or experience of corruption are victims of corrupt practices, and are acting out of their own personal interests. Most complaints are about demands for bribes, which these people cannot afford to pay because of their poor financial situation. The rural population above all use the legal consultation service, and do not know enough about the alternatives to bribery. Data on corruption in Azerbaijan collected by the ALACs are thus almost exclusively concerned with petty corruption. The anti-corruption measures brought to bear against this consist mostly in showing what alternatives there are to paying these bribes, and in drawing up the letters of complaint. Whistleblowing has no place in the day-to-day practice of the Azeri ALACs. Many ALAC staff can hardly imagine that disinterested informants might come to the Centres with cases of corruption. Paying bribes is such a pervasive practice in Azerbaijan that the fight against corruption is seen above all as a fight against bribery. While the ALACs' public awareness campaigns and Legal Advice services have permanently changed willingness to pay bribes, there is still a great problem in changing the attitudes and expectations of those who demand bribes. In particular, a current major problem is the widespread practice of

bribing judges, not just to influence their sentence in a case but to ensure that the case is even brought to completion. Here there are no quick fixes. There is a broad lack of political will to change behaviour here and to impose effective sanctions. Thus the ALACs work primarily to change the readiness to pay bribes, not to prevent the bribe takers asking for the money. In accordance with the strategic orientation toward Legal Advice, the future of the ALACs is closely bound up with the introduction of the Legal Resource Centres (LRCs). Since nearly all those coming to an ALAC in Azerbaijan are themselves affected by corrupt practices, and are indisputably victims of corruption, TI-Azerbaijan tries to build upon its services by expanding the Legal Advice service with Legal Representation. The ALAC project is set up so that it cooperates directly with state institutions, and there is a strategic partnership between the ALAC and government. Hence the ALAC project itself has no mechanism to represent the complainers in court: "ALACs cannot represent people or third parties in court." TI-Azerbaijan has founded the LRCs to offer these additional services. Three of TI-Azerbaijan's Regional Centres are now furnished with LRCs to represent vulnerable people at court. The establishment of the LRCs is financed by the governmental organisations of the OSCE. New posts are to be created for the LRCs, and it is planned to hire licensed lawyers who can deal with criminal cases as well. Currently no criminal cases are represented by the LRCs, which rather handle civil cases only. The LRCs have one senior lawyer and two lawyers to handle cases and represent clients in court. Originally Azerbaijan ALAC had five ALACs without legal representation services and helped any citizen or business entity against a public agency. Because they saw deficiencies in this approach, three centers (Baku, Ganja*, and Guba) added a strong advocacy component to ALAC, while three centers (Ganja*, Sheki and Lenkoran) created the LRCs on the basis of ALACs which function as proper free of charge legal clinics and take any clients including citizen zu citizen disputes and represent clients in civil cases in court as well. The planned expansion of the LRCs will reinforce TI-Azerbaijan's orientation as a grass-root NGO.

COMPARISON OF ALACS ACROSS CATEGORIES

1. ALAC Services

1.1 Legal Advice

The Legal Advice area comprises services offered to those who have concrete experience with corrupt dealings and practices, and now wish to proceed against these. Here legal advice includes help in writing letters of complaint, both in following the formal procedures and in addressing the letters to the relevant institutions.

1.1.1 Case Advocacy: Comparison of Legal Advice services

Case Advocacy can be seen as the umbrella term of the different ways of concrete help and Legal Advice services offered by respective ALACs. One particularly striking difference in how ALACs carry out Legal Advice in their various countries is that in Azerbaijan and Bosnia-Herzegovina, Legal Advisors do not restrict themselves to consulting on corruption-related matters. In Azerbaijan, ALAC staff and activists also process grievances about other problematic areas of the law, such as poorly defined land boundaries. Private land transactions, not properly recorded in land registers, can lead to conflict about land use and potential corruption. ALAC staff and activists also help draw up letters of complaint to the State Registry of Real Estate, responsible for surveying and recording land ownership. In Bosnia-Herzegovina, citizens may also come to the ALACs for advice about standard administrative procedures which may have nothing to do with the topic of corruption. Here ALAC staff and activists give concrete assistance in finding a way through the thickets of bureaucratic rules and regulations.

Representatives of both ALACs defend the decision to offer advice to those whose cases are not corruption-related in similar ways. In Azerbaijan, this public information work, telling citizens of their rights, is seen as working to raise the general level of legal awareness in a predominantly rural population. One consequence of the legal advice offered is that corruption is increasingly perceived as unfair and illegal. ALAC staff and activists report that persons receiving advice and consultation in another area often come back to the ALAC with new corruption-related complaints. In Bosnia-Herzegovina, Legal Advice is seen as a general service to the citizen. The ALAC is perceived as a social resource open to all citizens, working to create trust in state institutions by explaining institutional processes. ALAC staff and activists thus see their work as contributing to the democratisation of the country, which still today suffers from the consequences of the civil war, especially in the Serbian entity.

A second difference is in the range of services offered, which varies from country to country. In Azerbaijan and Bosnia-Herzegovina there is no selection of cases, with all received grievances addressed. In Romania and the Czech Republic on the other hand, only those persons whose complaints and concerns specifically have to do with corruption are given advice. All persons coming to the ALACs in these countries with grievances about corruption

are given legal advice and consultation by qualified personnel. In Romania, these persons are given advice and their cases documented, and in a certain number of cases they are next referred to another NGO offering further services, such as Legal Representation, in cases which meet certain criteria and are demonstrably in the public interest. In the Czech Republic, Legal Representation is offered directly by the ALAC, although this service was not planned as part of the original ALAC package of measures. It is a peculiarity of the Czech ALAC that persons coming with their grievances are also represented at court by ALAC lawyers. In Azerbaijan, persons are helped to write and send their letters of complaint on the premises, with great care being taken that these letters are indeed written by the complainers themselves. In Bosnia-Herzegovina by contrast, letters of complaint are written by ALAC staff and activists, who are then responsible for all further correspondence to do with the case.

Comparison of the various countries shows an overall hierarchy of services offered. The range is most comprehensive in the Czech Republic, where Legal Representation is also offered in cases which come to court. In Bosnia-Herzegovina, services offered are similarly wide-ranging, with staff and activists taking on all correspondence in the case. In Azerbaijan, on-the-spot advice helps effectively organise the letters of complaint. ALAC staff and activists have also worked together with the responsible state institutions to ensure that the rate of response to letters of complaint has significantly improved. Under Azerbaijan Legal Resources Centers LRCs which have been established in three of ALAC centers representation in courts is also provided. In Romania, Legal Advice also includes consultation that particularly helps in assessing grievances. ALAC staff and activists have prepared how-to guides and sourcebooks for this purpose, with 'types' of cases for comparison.

	Azerbaijan	Bosnia and Herzegovina	Romania	Czech Republic
Legal Advice	/	/	Case Selection	Case Selection
	Case Assessment	Case Assessment	Case Assessment	Case Assessment
	Legal Representation	/	/	Legal Representation

Table 1: Case Advocacy: Different kinds of Legal Advice Services.

1.1.2 Comparison of ways of getting in touch with ALACs

Looking at the various ways in which citizens can get in touch with the ALACs reveals once more the emphasis which different ALACs place on the different services they offer. In

Azerbaijan, ALAC staff and activists are primarily concerned to reach as many people as possible. Mobile training teams are used for this purpose, which go to the country to inform the rural population about anti-corruption measures. In Romania, the ALAC adopts an entirely different approach, with less emphasis on broad-based outreach (taking on varied citizen concerns) and more attention paid to focus on concerns of corruption-specific relevance. There is no telephone hotline. Like the Czech ALAC, the Romanian centre has only one office, not two as in Bosnia-Herzegovina, or five as in Azerbaijan. In Romania by contrast, the telephone is never used for anything more than making an appointment in the ALAC office, while in Azerbaijan in some instances lawyers do provide legal aid over the telephone, if a client insists.

	Azerbaijan	Bosnia and Herzegovina	Romania	Czech Republic
Population	Hotline	Hotline	/	Hotline
	Mail / E-Mail	Mail / E-Mail	Mail / E-Mail	Mail / E-Mail
	Walk-In	Walk-In	Walk-In	Walk-In
	Mobile Trainings	/	/	/

Table 2: Different Ways of Contacting Centres

1.2 Advocacy

In all countries, Advocacy comprises three different areas. First is Case Advocacy, meaning among the selection and the assessment of cases the statistical evaluation of all cases documented in the ALACs. Building upon this is Policy Advocacy, aimed at creating instruments to change laws and thereby systematically transforming the conditions under which corruption flourishes. Lastly, Advocacy measures also aim to create the greatest possible public awareness of corruption (cf. also Cooperative Projects).

A professional demeanour is part of Transparency's corporate identity, and that of the ALACs. Such an approach builds solidarity within the organisation and sets the tone for citizen, government and business perception of its work. ALAC staff and activists proudly point out that they do not see their work as that of an investigative watchdog and thus they do not stage media events or follow a "naming, shaming and blaming" strategy. TI and the ALACs it has opened thus pursue the Advocacy principle as a value-oriented alliance with diverse interest groups, working for consensus (rather than criticism and conflict). ALAC staff and activists are highly qualified and offer their expertise in the areas of case advocacy and policy advocacy. This professional, serious approach not only creates citizen trust, but also wins respect from representatives of the state in the legislative and executive branches.

State actors do not see Transparency and ALAC staff and activists as fundamentalist critics and ideologues, but find in them reliable partners giving constructive advice.

1.2.1 Comparison of Case Advocacy Evaluation

Specialist data assessment software has been written for the ALAC project's statistical evaluation of corruption cases, and this analysis serves as the foundation on which all expertise is built. This software is used in all ALACs to create a knowledge base on the topic of corruption, except in the Azerbaijan ALACs, where employees evaluate the cases using Microsoft’s EXCEL Software. All other ALACs use the ALAC application software. In a first step, cases are assessed and documented using the software's data entry interface. The resulting evaluation shows the characteristic dimensions of corruption profiles in individual countries, and in particular show the walks of life in which corruption is especially virulent. In the next step, individual cases are then anonymised and can be used as illustrative examples during legal consultation. In the very near future, an update of the ALAC database software will be installed.

	Azerbaijan	Bosnia and Herzegovina	Romania	Czech Republic
	Excel	ALAC Software	ALAC Software	ALAC Software

Table 3: Measures for Case Advocacy Evaluation

1.2.2 Comparison of Policy Advocacy Measures

ALAC staff and activists work to bring about systematic change in everything they do. The corruption profiles, drawn up on the basis of Case Advocacy work, reveal areas where there are legal loopholes and weak spots. The ALACs prepare various submissions for legislative reform to improve conditions for anti-corruption measures, in particular concerning protection of whistleblowers. Out of the four countries Romania is the only country to have a Whistleblower Protection Act, which is a great success for TI-Ro and the Romanian ALAC, both decisively involved in preparing this law. Bosnia-Herzegovina and the Czech Republic have drawn up draft legislation, while the Azerbaijan ALACs are not actively involved in the legislative process or in suggesting new or revised laws, since their focus is on Legal Advice. However, basing on analysis of ALAC cases TI Azerbaijan designs policy recommendations for the government on sector-to-sector basis.

	Azerbaijan	Bosnia and Herzegovina	Romania	Czech Republic
Policy Advocacy	/	Draft Legislative Provision	Draft Legislative Provision	Draft Legislative Provision
	/	/	Whistleblower Protection Act	/

Table 4: Measures for Policy Advocacy

2. Whistleblowers

Whistleblowers are employees who disclose wrong-doing at their place of work, no matter it is abuse, corruption or even breaches of the good administration principles. They help make public abuses encountered in their professional activity, in government or in business. This group of informants is invaluable for TI's work, since the information they supply opens up serious cases of corruption to public scrutiny.

2.1 Comparison of Approaches to Whistleblowing

Despite the great value placed on cooperation with whistleblowers in any general strategy for anti-corruption measures, this aspect is emphasised differently in different countries. Except for Romania, none of the other countries studied here have a separate legal act to protect whistleblowers. In Azerbaijan, the almost exclusive focus of ALAC's work is on the petty corruption which defines daily life for so many Azerbaijani, so the whistleblower aspect of their work is barely considered. Persons coming to use ALAC services in Azerbaijan are victims of pervasive corruption. In Bosnia-Herzegovina, there is certainly great interest in whistle blowing, but it is nearly impossible for staff and activists to ascertain whether informants really are acting as whistleblowers. In most cases it becomes evident that those who come as whistleblowers are acting from palpable personal motives. Additionally, many corruption cases in Bosnia-Herzegovina are linked to the close-knit organised crime networks in the constituent entities of the republic. This means that potential whistleblowers almost always go in fearing for their lives, making citizens much less ready to blow the whistle on behaviour they may witness. In Romania, whistleblowers are a primary target group for ALAC staff and activists, who know that they can give important information on cases. The Czech ALAC, going against the general trend in the ALAC project to offer advice and consultation only, provides lawyers to represent whistleblowers in court.

These different approaches to whistle blowing are also reflected in attitudes to whistleblowers. In Azerbaijan whistleblowing is no big issue. Because of the situation in the country, the idea that persons might approach the ALACs purely as witnesses to corrupt practices rather than from personal motives is unreal. All people with complaints related to corruption are victims of corruption. Staff and activists at the ALACs in Bosnia-Herzegovina

see whistleblowers in very general terms as witnesses of corruption. While aware of the importance that TI-S places on this group, they do not share this attitude to the same extent. The Czechs see whistleblowers as clients just like any other victim of corrupt practices, and will also represent them in court after examining and assessing the case. The Romanians have paid increasingly more attention to whistle blowing, with both legislative initiatives and stringent selection procedures for cases. Romanian ALAC staff and activists plan increased cooperation in future with whistleblowers from the public health sector, and have already printed posters and leaflets on the topic and distributed them in the institutions concerned.

	Azerbaijan	Bosnia and Herzegovina	Romania	Czech Republic
Priority at ALAC work	Very Low	Low	Very High	High
Perception by ALAC staff	/	Witnesses of Corruption	Target Audience for Campaigns	Clients

Table 5: Approaches to Whistleblowing

3. The activist self-image

Examining various aspects of ALAC staff and activist self-image gives greater insight into how the work of the ALACs is perceived. The dimensions chosen here are those of self-image, perception of complainers, perception of work and perception of the organisation. Country-specific differences in nuances and emphases in the ALAC concept in the various countries are especially clearly shown in this self-appraisal.

3.1 Comparison of ALAC staff and activist perceptions of their work and the organisation

Azerbaijan staff and activists see themselves as social workers in a country at the very beginning of a long-drawn-out transformation process. The current situation in the country is marked by a failure of the formal institutions, which do not function properly. State, media and economy are still today controlled by former Soviet cadres. Corruption is widespread in nearly all areas of society, from education, public administration, the courts and politics to business and the economy. ALAC staff and activists put in the groundwork for change, addressing their services not just to victims of corruption but to the citizenry of Azerbaijan at large, seeking primarily to reach as many people as possible with their campaigns. They aim to create change from below by informing citizens about their rights in every area. In this sense, ALAC staff and activists see the fight against corruption as a grass roots movement where everybody is welcome to join in and help. Some of the five ALACs thus have as many as 200 informal activist volunteers, most of whom were given advice or consultation in an ALAC before choosing to take part in this public awareness work for idealistic reasons. Since

they have themselves profited from the ALAC's work, they would like to be part of the movement that is to bring about major changes in the future.

In Bosnia-Herzegovina, as in Azerbaijan, the central state is to an extent an imposed entity concealing the actual structure of social networks. Bosnia-Herzegovina is still today controlled by individual regional bosses, many of them charismatic warlord figures, who continue to wage ethnic-sectarian civil war, most notably in the Serbian entity. ALAC staff and activists here (as also elsewhere) see themselves as legal advisors and as giving general citizens' advice as well. Practically speaking, the ALACs exercise functions which the state cannot (yet) exercise, assisting citizens in their dealings with democratic institutions and with bureaucracy. ALAC staff and activists thus see their organisation as a sort of Citizens Advice Bureau, and their work as a service offered to citizens, contributing to the country's democratic development.

The Romanian ALAC may be seen as very remarkable implementation of the ALAC concept. Romanian ALAC staff and activists were not only substantially involved in defining and developing the ALAC project, the Romanian ALAC has also come to be a model for ALACs established later in other countries to follow. This is because the Romanian ALAC was one of the very first Centres to be established. The Romanian ALAC takes part in the exchange of experience and know-how between individual ALACs, in the form of training events and workshops, and was for instance substantially involved in setting up the Azerbaijan ALAC. Because of their years of experience and demonstrable success, leading staff and activists at the Romanian ALAC see themselves as policy makers. The emphasis they put on their work has undergone a change, away from client-centred legal advice and toward forms of political consultancy. Staff and activists see TI-Ro and its integrated ALAC as a "technical" NGO, indeed as a think tank. The Czech ALAC by contrast operates as a legal practice, only distinguishable from a regular legal practice in that it offers its services for free. All staff have legal qualifications; law students and lawyers work together in one large office. Accordingly, complainers are also called clients in internal communications and, if they are deemed to have a case, represented as such in court.

	Azerbaijan	Bosnia and Herzegovina	Romania	Czech Republic
Self-Image	Social Workers	Legal Advisor	Policy Makers	Legal Experts
Complainer-Image	People	Citizens	Beneficiaries	Clients
Work-Image	Groundwork	Citizen Services	Policy Advice	Extended Legal Support
Organisation-Image	Grass-Roots Movement	Citizens Advice Bureau	Think Tank	Law Firm

Table 6: Self-Image, Perceptions of Complainers, Work, and Organisation

4. Organisational levels of the ALAC

4.1 TI-S, NC and ALAC

TI-S played the decisive role in the starting phase of each ALAC founded, with the Berlin Secretariat making contact with potential colleagues. In the starting phase at least, TI-S advises chapters in recruiting process. Once work begins on the ground, there is a lively knowledge transfer especially among the ALACs of the different National Chapters. As work in the new Centre goes on, the influence of TI-S diminishes. The NCs and ALACs have a great deal of freedom in deciding how to go about their work. National Chapters themselves devise policies appropriate to a country's specific conditions to supplement the general approach. Fundraising is also administered by each Chapter or Centre on its own account. TI-S receives regular reports about the work of national ALACs. The ALAC in Azerbaijan cooperates with TI-S in organising workshops to inform new ALAC candidates about the processes involved in setting up and implementing a Centre. Occasionally, TI-S gives financial support to chapters under specific and exceptional circumstances and bound by very clear rules. TI Czech Republic benefited from this at some point, but not to sustain the ALAC.

The relationship between National Chapters and ALACs in the various countries is somewhat similar. In all countries, NC staff run the administration and public relations in a symbiotic manner. In its emphasis on Advocacy, the ALAC works closely with the NC, which has similar Advocacy aims and interests. Data collected in the ALACs everywhere provide the bases for planning and implementing Advocacy campaigns. In Azerbaijan and Bosnia-Herzegovina, though the ALACs are separated from the National Chapter not least geographically (Azerbaijan has five Centres, while Bosnia-Herzegovina has two), they are nevertheless structurally very closely connected. In Azerbaijan, the ALACs are managed centrally from TI/ALAC Head Office in Baku, which also administers funds. In Bosnia-Herzegovina the ALACs produce an internal database from which individual cases are standardised and problematic areas identified, providing a solid grounding for suggested reforms, publicity campaigns, research and information events. The same occurs in Romania; where the ALAC is tightly integrated into the structure of the National Chapter. The situation is entirely different in the Czech Republic, where staff and activists regard the ALAC as a separate entity and treat it as such. Here it almost seems that NC and ALAC find themselves in competition. Certainly, the NC recognised and welcomed the advantages of founding an ALAC. Nevertheless the differing emphases in the work of ALAC and NC offer much to discuss, and food for thought; where the former seeks confrontation (obliged sometimes to write "nasty letters"), the latter seeks cooperation. This feeling of being at odds is intensified by the fact that success comes in different forms, with the ALAC achieving quicker and more visible successes in court cases and judicial reviews, while NC campaigns aim at slower, low-profile success by cooperating on legislative reform.

	Azerbaijan	Bosnia and Herzegovina	Romania	Czech Republic
TIS	Implementation of the NC	Implementation of the NC	Implementation of the NC	Implementation of the NC
	Workshops	Partial Funding	/	/
NC	Public Relations	Public Relations	Public Relations	Public Relations
	Administration	Administration	Administration	Administration
ALAC	Integrated	Integrated	Integrated	Separate

Table 7: Organisational Levels of the ALACs.

4.2 Cooperative projects

All ALACs work with other NGOs in the fight against corruption, especially when it comes to exchanging know-how and information about corruption. While ALAC cooperation with other NGOs in Bosnia-Herzegovina concentrates primarily on public awareness work, Azerbaijan, the Czech Republic also work with other NGOs in fundraising. Bosnia-Herzegovina receives only external funding. The Czech ALAC has help drafting its legislative proposals, and Azerbaijan receives funds for Legal Assistance, in particular the associated Legal Resource Centres. Romania passes corruption cases that may be of interest to another NGO, which then represents cases at trial.

The varying media landscape in each country correspondingly affects how corruption may be covered and reported. In countries where all (e.g., Azerbaijan) or most (e.g., Bosnia-Herzegovina) media are state-controlled, press releases tend to contain only material for informational and public relations purposes. In the Czech Republic and Romania, individual spectacular cases are passed on to media agencies or investigative journalists.

	Azerbaijan	Bosnia and Herzegovina	Romania	Czech Republic
NGOs	Knowledge Transfer	Knowledge Transfer	Knowledge Transfer	Knowledge Transfer
	Legal Assistance	/	Legal Representation	Draft Legislative Provision
	Fundraising	/	/	Fundraising
Media	/	Independent	Independent	Independent
	State-controlled	State-controlled	/	/

Table 8: Cooperation between ALAC, other NGOs, and the Media

4.3 Cooperation with government

ALACs in different countries cooperate with the government there to a greater or lesser degree. In Azerbaijan, TI works with the State Anti-corruption Commission, and there is a strategic partnership between the Commission, Transparency and the ALACs. In Romania, there is a similar strategic partnership between TI-Ro and the Ministry of Justice. Thus, a Whistleblower Protection Law was drawn up by TI-Ro activists and submitted to the Ministry of Justice. Cooperation between the Czech ALAC and the Ministry of the Interior may be described as a cooperative partnership. The ALAC hotline is 100% financed by the Ministry, and the Ministry website carries a link to the hotline. The Czech ALAC is thus the only one of those examined here that is in part government-funded. It should be noted that in 2010 financing of the ALAC hotline by the Ministry ended. In Bosnia-Herzegovina, cooperation with the government is less systematically linked to institutions and much more limited to particular individuals. Certainly there is constructive cooperation between the ALACs and government (at the beginning of the ALAC project, both parties signed a Memorandum of Understanding), but this cooperation cannot be called productive. Quite the opposite, relations between the government and the ALACs have been declining for years. In order not to compromise those sporadic governmental contacts that do exist, activists here avoid putting too much pressure on the institutions by, for instance, staging targeted media campaigns.

In general, we can say that cooperation with government in any country, no matter what form it may take, is always a balancing act. On the one hand, TI and the ALACs must seek a certain proximity to the state, in order to be available as a negotiating partner able to bring about change. On the other hand, too much proximity to the state brings risks for TI's understanding of its own mission as an independent NGO, and may even be detrimental to its image.

	Azerbaijan	Bosnia and Herzegovina	Romania	Czech Republic
Partnership	Strategic	Constructive	Strategic	Co-operative
Partners	Ministry of Justice	Individual Members of the government	Ministry of Justice	Ministry of the Interior

Table 9: Connections between the ALAC and government

CONCLUSION AND RECOMMENDATIONS

On the basis of the developments described here, we can easily see that establishing ALACs in Azerbaijan, Bosnia-Herzegovina, Romania and the Czech Republic led in every case to improvement and efficiency in the fight against corruption. In the first place, the ALACs' Legal Advice service offers concrete help to citizens who are ready and willing to act against the abuses caused by corruption. The offer of free, citizen-facing legal consultation and advice contributes greatly to the goal of empowering people to speak up, by purposefully encouraging civic engagement in the fight against corruption.

In the second place, the corruption profiles collected and compiled during the course of Legal Advice work underpin Transparency's expertise in corruption-related matters, demonstrably shoring up their expert status. This transforms the ALACs' image and standing, as well as Transparency's effectiveness at the national level. Transparency and the ALACs become partly strategic and partly constructive partners for both private sector and public sector, because they have gathered and interpreted data about corruption and its conditions. Assessment also convincingly shows that expertise based on standardised case analysis is especially important as an instrument for bringing about systemic change. Transparency works to change, remove and prevent the conditions in which corruption takes hold. Empirical data-gathering and targeted transmission of knowledge about corruption both directly influence options for creating systematic change. Anti-corruption measures can only be directed effectively on a basis of exact knowledge of how and where corruption flourishes. Greater knowledge of corruption makes for proportionally greater expertise, and Transparency's negotiating position improves considerably.

Thus one important result of the present comparative assessment of ALACs is to have shown that the two anti-corruption pillars, Legal Advice and Advocacy, improve in the long term with the implementation of the ALAC project. The present analysis also shows that the areas of Legal Advice and Advocacy are given varying weight in different countries. This leads to different emphases within the ALAC project, directly dictated by the conditions prevailing in each country. While the main service focus in Azerbaijan and Bosnia-Herzegovina is on Legal Advice, and in Azerbaijan advocacy is a new trend, the situation in Romania and the Czech Republic is quite the reverse. Here Advocacy is seen as the actual core of ALAC work, though the importance of Legal Advice is not lost sight of.

Observing these differing priorities in the national implementation of the ALAC package, we can conclude that there is a shift of focus from client-centred Legal Advice to political consultation and Advocacy as formal institutions in the country in question become more effective. The Romanian ALAC established by TI-Ro can be seen as a success, indeed almost a text-book example, in this process of development.

Our general interpretation is, that we may observe a correlation between the degree to which the country's institutions are developed, and the frequency of corruption; this correlation most likely obtains in other countries as well. The better state institutions and bureaucratic procedures function, the less often citizens must accede to demands for bribes in everyday

situations. As bureaucratic institutions become more effective, cases of everyday citizen corruption fall proportionately. Corruption does not vanish entirely in this process, however; rather, it shifts from quantitatively widespread petty corruption to the qualitatively different, and often spectacular, individual cases of high level corruption.

In all countries, we see that the fight against corruption can only effectively be waged in a functioning partnership with state institutions. Cooperation with state institutions and their representatives, rather than confrontation, is thus called for in all countries. Additionally, citizen engagement in the fight against corruption must be encouraged in the long term. Corruption can only be systematically prevented when both sides work together, and state institutions and civil society act in concert against corruption.

While the rest of this report aims to make concrete recommendations on the basis of the assessments presented so far, we must keep in mind the individual ALACs' differing emphases, dictated by specific regional conditions. In Azerbaijan and Bosnia-Herzegovina the main task is to make more effective the concrete help offered to individual victims of corruption. Above all there is room for improvement in the services' actual accessibility. In Azerbaijan, the formation of mobile training teams led to improved options for getting in touch with the ALACs. This is a way to involve the rural population too, and make them active in the fight against corruption. In Bosnia-Herzegovina, options for getting in touch were improved by opening two ALACs, in Sarajevo and Banja Luka, especially considering the continuing ethnic tensions in the country. Though there are certainly financial costs connected to opening several ALACs, the examples of Azerbaijan and Bosnia-Herzegovina show very clearly that this option should at least not be ruled out. Where a population's mobility or ethnic composition makes it necessary to found several ALACs, funds should be provided to make this possible in the long term. This recommendation becomes more urgent when we consider that in Azerbaijan above all, but in Bosnia-Herzegovina as well, the whole media landscape is state controlled, i.e. censored, which restricts media options for informing about corruption, and makes direct contact with the citizenry a priority.

It would make sense to extend services offered at the ALAC in Bosnia-Herzegovina to include Legal Representation, as has already successfully been done for ALACs in Azerbaijan and the Czech Republic. Such an expansion of service should always be an option but should not be forced upon a Centre, rather it should be at the discretion of each ALAC. Where an ALAC deliberately chooses not to include Legal Representation in its services, as for instance the Romanian ALAC, this should continue to be an option. Thus we recommend flexible guidelines in the matter of whether or not Legal Representation should be offered.

For every ALAC, we recommend a stronger focus on cooperation with whistleblowers. Especially for Romania and the Czech Republic widespread petty corruption is far less of a problem than high level corruption, cooperation with whistleblowers is the indispensable precondition for a more effective fight against corruption. A dual strategy is suggested to heighten whistleblowers' readiness to come forward. On the one hand, the topic must be

firmly anchored in public awareness, in a way which creates lasting, long-term positive connotations. Whistleblowing must be perceived as a positive act, i.e. as an action that generally benefits civil society. Spectacular individual cases, suitably anonymised, might be passed to the media for the purpose, to steer media attention toward a positive impression of whistleblowing. On the other hand, potential whistleblowers must be contacted within their organisations and businesses. Posters and informational material should be distributed in suitable organisations, and works council representatives and other trustworthy individuals should be briefed on whistleblowing and related matters. Legal measures to protect whistleblowers should be introduced in Azerbaijan, Bosnia and Herzegovina and the Czech Republic, following Romania's example. ALACs should advocate for a special whistleblower protection act. The fight against corruption can't be won without full protection of witnesses and victims of corruption. This protection can be covered alone by a special whistleblower protection act. It starts with secure ways of contacting and data protection.

	Azerbaijan	Bosnia and Herzegovina	Romania	Czech Republic
Legal Representation	Existing	Recommended	/	Existing
Whistleblower Cooperation	Recommended	Recommended	Recommended	Recommended
Whistleblower Protection	Recommended	Recommended	Existing	Recommended
Secure Ways of Contacting and Data Protection	Recommended	Recommended	Recommended	Recommended

Table 2: Key Issues in the Fight against Corruption as these relate to regional distinctions

SEVENTH FRAMEWORK PROGRAMME OF THE EUROPEAN COMMISSION
Thematic Priority: Theme SSH-2007.5.1.1
Theme Title: Area 8.5.1 Participation and Citizenship in Europe



RESEARCH PROJECT: “ALACs”

Promotion of Participation and Citizenship in Europe through the “Advocacy and Legal Advice Centres (ALACs)” of Transparency International. Analysis and Enhancement of an Anti-corruption Tool to Enable Better Informed and Effective Citizen Participation in Europe

Members of the Project Consortium

[University of Konstanz \(UKON\)](#)

[Transparency International-Secretariat \(TIS\)](#)

[University of Warwick \(UNWA\)](#)

[Transparency-Azerbaijan \(NCAZ\)](#)

[Transparency International Bosnia and Herzegovina \(TI BIH\)](#)

[Transparency International Czech Republic \(NCCR\)](#)

[Transparency International Romania \(NCRO\)](#)

[Transparency International Finland \(NCFN\)](#)

[Transparency International Hungary Foundation \(NCHU\)](#)

[Transparency International Ireland Ltd. \(NCIR\)](#)

[Transparency International Lithuanian Chapter \(TILS\)](#)

[University of Duisburg-Essen \(UDE\)](#)

Contact

- Prof. Dr. Dirk Tänzler, Co-ordinator
Dirk.Taenzler@uni-konstanz.de
- PD Dr. Angelos Giannakopoulos, Head of the Project Office
Angelos.Giannakopoulos@uni-konstanz.de

University of Konstanz
Project “ALACs”
Universitätsstr. 10
Box 35
D-78457 Konstanz
Germany
Phone: ++49 (0)7531 88 3129
Fax: ++49 7531 88 3194

Universität
Konstanz



Project Homepage: www.uni-konstanz.de/crimeandculture

Email: angelos.giannakopoulos@uni-konstanz.de