

GLOBAL INFORMATION SOCIETY WATCH 2012

THE INTERNET AND CORRUPTION
Transparency and accountability online



Global Information Society Watch

2012



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Financial support provided by

Humanist Institute for Cooperation with Developing Countries (Hivos)
Swedish International Development Cooperation Agency (Sida)



Global Information Society Watch

Published by APC and Hivos
2012

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ISSN: 2225-4625
ISBN: 978-92-95096-85-1
APC-201301-CIPP-R-EN-DIGITAL-176

WESTERN BALKANS

THE COLLECTIVE MEMORY OF THE UNDONE AND THE DAMAGE



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Introduction: Overview of a region rife with corruption and bribery

The daily chronicle of this small region is one of corruption and bribery. That is what emerges from media reporting on the trial of the former prime minister of Croatia,¹ and is confirmed by the arrest of Nazmi Mustafi, Kosovo's top anti-corruption prosecutor, over "allegations he took bribes to drop corruption charges against powerful individuals."² According to the Business Anti-Corruption portal, compared to the regional average, Albania "is the country where the highest percentage of companies expects to give gifts in order to get a government contract."³

The situation is no different in Bosnia and Herzegovina, where, this June, the Centre for the Study of Democracy (CSD) in Bulgaria and Centre for Investigative Reporting (CIN) in Sarajevo published the report "Countering Corruption in Bosnia and Herzegovina 2001-2011".⁴ This shows that over the past 10 years corruption in Bosnia and Herzegovina has increased, while the actual participation of citizens in corrupt activities has subsided.⁵

Very similar is the situation in Serbia, Montenegro and Macedonia, where a "leading political cartel" manages the public good as their own private resource and uses corruption cases as a way to eliminate political opponents. According to Petrus van Dijn, a professor at Tilburg University in the Netherlands, "The commitment to the fight against

corruption in Serbia is the same, if not lower than it was in 2000... [A]nti-corruption legislation has been extended, but there are fewer convicted of corruption than during Milosevic's regime, and the number of prosecuted cases is lower than before 2000."⁶ And then Montenegro and Macedonia. The first is "a country that has not seen a change of government for 23 years, stifled by corruption and organised crime," says Vanja Čalović, director of the NGO network MANS,⁷ which, during the elections held on October 2012, found 14,000 cases of names included several times in the electoral lists. Macedonia, on the other hand, combines a lack of transparency in general public expenditures, with a judiciary involved in the cover-up of high-level corruption cases, and strong pressure on the media, including the drive to shut down A1 Television.⁸

Apart from Croatia, which finalised the European Union (EU) accession process in June 2011 and will formally become a member of the EU in July 2013, all the remaining countries have launched their own "anti-corruption chapter" on their way towards joining the EU. In order to successfully conclude their negotiations, they need to prove their seriousness and commitment in combating corruption. Yet widespread corruption has been confirmed by Transparency International's latest Corruption Perceptions Index, released in 2011. Croatia and Montenegro rank 66th and Kosovo 112th out of 183 countries and territories of the world surveyed. For their part, Albania ranked 95th, Bosnia and Herzegovina 91st, Serbia 86th, and Macedonia 69th.

Overview of national laws against corruption and for transparency

Anti-corruption initiatives are present almost everywhere in the region. Albania leads the reform path, while Kosovo and Bosnia and Herzegovina mark time. Albania, Croatia, Macedonia and Montenegro have joined the Open Government Partnership,⁹

1 "In Croatia a trial of a former prime minister starts next month, promising to open a window on widespread political corruption over the past decade. Ivo Sanader is pleading innocent to charges that he and his ruling Croatian Democratic Union party (HDZ), which ran the country for most of the past 20 years, siphoned off nearly 10m (£8m) from privatisation proceeds into party funds. Sanader is already being tried on two further sets of graft charges." www.guardian.co.uk/world/2012/mar/29/central-europe-centre-right-corruption-claims

2 www.rferl.org/content/kosovar_anticorruption_prosecutor_arrested_for_corruption/24536494.html

3 www.business-anti-corruption.com/country-profiles/europe-central-asia/albania/snapshot

4 www.csd.bg/artShow.php?id=16084

5 www.againstcorruption.eu/articles/new-report-on-anti-corruption-in-bosnia-and-herzegovina-published

6 www.politika.rs/rubrike/Hronika/Nivo-borbe-protiv-korupcije-istika-2000-godine.lt.html

7 www.balkanicaucaso.org/eng/Regions-and-countries/Montenegro/Montenegro-a-country-to-change-125391

8 www.unhcr.org/refworld/country,,MKD,4562d8b62,503c722b23,o.html

9 www.opengovpartnership.org

and submitted their action plans, while Serbia has presented a letter of intent.

All countries, except for Kosovo, are participating in the Regional Anti-corruption Initiative (RAI), which has a secretariat for South-Eastern Europe, and have developed national websites.¹⁰ The websites are all in English and can be seen as useful sources of information for English-speaking researchers, considering that they provide information on strategies adopted, legislation, reports and corruption cases.

In general, if we look at the implementation of anti-corruption laws, a report published by Transparency International in June 2011, with a comparative analysis¹¹ of Albania, Macedonia and Kosovo, provides a good synthesis of the regional challenges. These can be summarised under the heading of “abuse of political and economic power”:

- Low and inconsistent levels of access to information
- Ineffective application of asset disclosure requirements
- Absent or unimplemented codes of conduct
- Political interference in institutional responsibilities and operations
- Poor working conditions for judges, legislative staff and civil servants.¹²

In addition to the above, the legal framework regulating the fight against corruption, especially the laws on conflict of interest and financing of political parties, are inadequate or circumvented in these countries.

These results can easily be extended to the entire region, where the formal adoption of legislation complying with EU standards is the general praxis of the political elites managing the public good in the Western Balkans region. It is sufficient to look at country progress reports where each year the European Commission presents its assessment of what each country/candidate has achieved over the previous 12 months.¹³ Here, from the Bosnia Herzegovina report, you can see the reiteration of the same main points: “Incompatibility of laws at

various levels of government; lack of capacity of the institutions which are supposed to enforce anti-corruption laws; judicial inefficiency; incompatibility of regulations in the access to information area; lack of protection of whistle-blowers.”¹⁴ Last but not least, the annual strategy paper¹⁵ which sets out the way forward for the coming year¹⁶ clearly shows the EU carrot-and-stick political practice to try and bring about the smallest improvement.

The internet as collective memory of corruption claims

Corruption cases are regularly covered in major newspapers, or on prime time slots on national TV, but in a region where freedom of the media is jeopardised and much of the mainstream media belongs to the oligarchy, the impact remains low and is easily framed as a “political attack”. Leaving aside the EU reports and their influence on the development of laws that impact on citizens’ everyday life, a key element remains the gulf between the national political elites, who hold the power and influence over institutions, and our fragmented, precarious citizenry, weakened by a divided past, with a regional average unemployment rate of around 21%. In a situation where corruption seems the norm, the long-term effect is growing public tolerance towards corruption. It is a sort of “siege effect” – people have stopped acknowledging the situation as an exception and, in order to survive, have adapted to it and developed mechanisms to navigate safely through it.

As a result, a pervasive corruption exists in which people are part of the system, accepting that it is okay to pay bribes for getting things done: better assistance while giving birth, or a short cut against a fine. The general attitude is that *this is the way it is and we cannot change it*, and this is what makes corruption invincible.

How then do you make people reflect and question? Thousands of pages from reports, hundreds and hundreds of press releases, and sensational headlines clearly do not work. Ordinary citizens have neither the skills to identify state and municipal inconsistencies, nor the opportunities to ask and see their questions answered, taken seriously by public officials. Still we mumble – we citizens complain! If you cannot speak out in formal spaces then you start informally, and the best place in the region for complaining is the internet. So, over the

10 Regional Anti-corruption Initiative website and national websites: www.rai-see.org; www.anticorruption-albania.org; www.anticorruption-bosnia-and-herzegovina.org; www.anticorruption-macedonia.org; www.anticorruption-montenegro.org; www.anticorruption-serbia.org; www.anticorruption-croatia.org

11 archive.transparency.org/regional_pages/europe_central_asia/projects_and_activities/cimap

12 archive.transparency.org/news_room/latest_news/press_releases/2011/2011_06_21_cimap_report_launch

13 ec.europa.eu/enlargement/countries/strategy-and-progress-report/index_en.htm

14 ti-bih.org/en/5599/bih-is-still-the-worst-in-the-region/

15 ec.europa.eu/enlargement/pdf/key_documents/2012/package_strategy_paper_2012_en.pdf

16 ec.europa.eu/enlargement/countries/strategy-and-progress-report/index_en.htm

last two years we have witnessed an increasing presence of online anti-corruption, pro-accountability forums and mapping tools in the region.

Looking from a distance it looks like the different pieces of a giant puzzle – like the incredible display of a collective memory of the undone and the damage. With internet penetration (broadband connection and 3G) on the rise, the digital space is opening up to new ways of reporting: from online communities converging around local accountability issues, to online platforms strengthening access to information or state attempts to open up communication channels with their citizens.

Country highlights

Albania

According to government data, in the last six years Albania moved from 4.8% internet penetration to almost 60% – in contradiction to International Telecommunication Union (ITU) statistics, which rate the country at 48%. It has one of the highest mobile phone penetration rates in Europe (185% at the end of 2011) and a mobile subscription rate for the same year of 96.97%, according to the ITU. The Open Government Partnership Action Plan presented on April 2012 is very ambitious, and the government pledges: “On its 100th independence anniversary, Albania aims to be an e-governed country.”¹⁷

In January this year the EUNACAL Institute¹⁸ launched Raportime,¹⁹ a localised Ushahidi platform inviting citizens to report on a wide range of issues, from environmental issues to human rights. Each complaint is automatically forwarded via email to public officials at the central and local government. Over the first three months, more than 90 reports were filed, out of which 70% came directly from citizens. One of the categories considered is illegal video surveillance, in particular CCTV cameras installed in violation of the law. The commissioner on data privacy contacted the organisation and all complaints in this regard were resolved. Triggered by the initiative, Tirana Municipality started a map²⁰ on its own, but on their map issues that are reported are not made visible until they are resolved.

Another civic initiative is Open Data Albania,²¹ which produces a variety of data visualisations that journalists can reuse in their work. It also creates a repository of the raw data using the CKAN registry system, so that tasks like registering and acquiring datasets²² can be automated.

Bosnia and Herzegovina

The country is far behind Albania. Not only is it not among the signatories of the Open Government Partnership initiatives but, as described in the EU progress report:

Legislative alignment is delayed due to the continuing discussions between the Entities and the State on their respective powers. (...) The State-level Law on the Agency for the Development of the Information Society is yet to be adopted. There is no State-level legislation on electronic documents, e-government and cyber crime. Legislation remains to be aligned with the E-Commerce Directive. (...) The State-level e-commerce law did not enter into force yet. The implementation of the State-level e-signature law of 2006 is pending. The administrative capacity in the State-level Ministry of Transport and Communications remained weak.²³

According to the ITU, at the end of 2011, Bosnia and Herzegovina had 1,955,277 internet users and a penetration of 42.3%, while mobile penetration put the country at the bottom of EU statistics. Bosnia and Herzegovina has still not reached 100% mobile penetration (it was 84.85% at the end of 2011).²⁴

However, the last two years have seen an explosion of initiatives which use the internet to promote transparency and accountability. For example, the Facebook group “Spasimo Picin Park a Banja Luka”,²⁵ an initiative born to defend a small park transformed into a construction site, has reached 41,268 members. The Facebook group hosts discussions, shares information and organises protest walks advocating for local government accountability. Another interesting process to follow has been launched by volunteers in connection with the forthcoming census. They are experimenting with a combination of tools – including a Facebook

17 www.opengovpartnership.org/sites/www.opengovpartnership.org/files/Albanian%20OGP%20Action%20Plan.pdf

18 EUNACAL is an independent public policy research institute established in 2010 to promote citizens' participation and deliberative democracy in Albania by focusing on public policy making in three levels of governance (European, national and local – EUNACAL). eunacal.org

19 The platform uses Web 2.0 tools (Facebook, Twitter, blogs, YouTube, Wikipedia) and facilitates online discussion between students, business managers, politicians and policy makers in Tirana and Brussels. www.raportime.com

20 regullojtytetintim.tirana.gov.al

21 Open Data Albania main website: open.data.al and blog: opendata.al/blog/37/open-data-albania-in-phase-ii

22 Open Data Albania catalogue: explorer.data.al/index/catalog

23 ec.europa.eu/enlargement/pdf/key_documents/2012/package/ba_rapport_2012_en.pdf

24 www.itu.int/ITU-D/ict/publications/material/LDB_ICT_2012.pdf and www.itu.int/ITU-D/ict/statistics/explorer/index.html

25 www.facebook.com/groups/park.je.nas

group and website²⁶ – to get citizen feedback on the proposed census template.

Several monitoring initiatives have been launched: e-zbori,²⁷ an Ushahidi map for monitoring the election; the Virtual Parliament portal created by the Centre for Civil Initiative,²⁸ which has good information on parliamentary work, but is published in a user-unfriendly Flash interface; and the access to information site Pravo daz nam,²⁹ managed by Why Not (Zasto Ne) and Transparency International, which after one year has received only 54 requests.

Croatia

The public disclosure of the war veterans' registry is probably the most celebrated Western Balkan leak, attributed to the blogger Marko Rakar,³⁰ who was already known for the collaborative blog Pollitika and the electoral census tool which helped highlight manipulation of electoral lists. The publication of the registry not only touched one of the most sensitive communities, but somehow kick-started a new form of activism in the region, showing the power that technology gave to the average citizen. In 2011 another initiative was launched that included a budget calculator and the public procurement registry.³¹ This summer, it was comforting to read the decision by the Croatian Ministry of Finance to make public the list of tax debtors.³² However, the fact that judiciary and public administration accountability remain the weakest areas in the country is confirmed by an EU report which asked for "increased efforts" and mentions a need for "the strengthening of the rule of law through continued implementation of Croatia's commitments to further improve public administration, the justice system, [and] preventing and fighting corruption effectively."³³

Kosovo

As the youngest country in the region, which is still not recognised by all EU countries (including Serbia and Bosnia and Herzegovina), the path towards a transparent and accountable government is slower and more complex. In Kosovo, as in Bosnia and Herzegovina, nationalistic and ethnic rhetoric

are used as excuses to justify failure and a lack of transparency. After the euphoria of the declaration of independence, civil society is starting to question the "founding fathers" of the country and to demand accountability. A few initiatives in particular are leading the calls for transparency: Kallxo.com,³⁴ run by the Balkan Investigative Reporting Network (BIRN) and the Kosovo Anti-Corruption Agency, which was launched in 2008 and has collected 559 reports, out of which 204 are on corruption; and two media initiatives³⁵ managed by the Kosovo Centre for Investigative Journalism (KCIJ) together with the civil society organisation Çohu, which engage and criticise the authorities where necessary. Other examples include Transparency International Kosova;³⁶ My Tender,³⁷ another Ushahidi map launched one month ago (10 cases have been registered); and My Vote,³⁸ which provides information on politicians and their work.

Macedonia

Several initiatives use similar online tools in Macedonia, such as Fiscal Monitor,³⁹ promoted by Forum-CSR, a local think tank, and the one-year-old campaign Report Corruption,⁴⁰ based on the Ushahidi platform and launched by Transparency International Macedonia together with the Centre for International Relations. The site reached 15,229 followers after 12 months, collected 199 relevant cases out of 227 reported, and has confirmed that many more are still under evaluation. The campaign combines web and mobile applications, including a number for telephone calls and an active Twitter account, #korupcijaMK.

Montenegro

Montenegro's history of corruption has strong roots, which is why it is called a "Mafia state". The country, as a result, has to overcome a lot of challenges. The local anti-corruption champion is MANS,⁴¹ a civil society organisation that upon its inception declared a zero tolerance for corruption and bribes – today MANS is *the* anti-corruption organisation in Montenegro. On its site, MANS uses the iPetitions tool,⁴² and has a repository of all access-to-information requests as well as answers from institutions,

26 www.popis.org.ba

27 zurnal.info/e-zbori

28 www.virtuelniiparlament.ba

29 www.pravodaznam.ba

30 www.netokracija.com/registar-branitelj-a-marko-rakar-2709
popisbiraca.pollitika.com

31 vjetrenjaca.org; proracunskikalculator.com and nabava.
vjetrenjaca.org

32 duznici.porezna-uprava.hr

33 eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0601:
FIN:EN:HTML

34 kallxo.com

35 levizjafol.org/al/monikorr and www.preportr.com

36 www.kdi-kosova.org

37 www.tenderi-im.org

38 www.votaimo.org

39 www.fiskalmonitor.mk

40 www.prijavikorupcija.org

41 www.mans.co.me

42 www.ipetitions.com

and an interactive calendar for the parliament assembly, with links to documents and reports.

Serbia

In Serbia, Open Parliament⁴³ is a civic initiative launched by five organisations: the Centre for Research, Transparency and Accountability (CRTA);⁴⁴ SeConS,⁴⁵ a development initiative; YUCOM,⁴⁶ a lawyers committee for human rights from Belgrade; the National Coalition for Decentralization,⁴⁷ based in Nis; and the Zaječarska initiative,⁴⁸ from Zaječara. The platform, which follows the work of local and national elected officials, has collected and made available data from 1997 to 2011 and intends in this way to allow the active monitoring of parliamentary work. The CRTA is also behind another initiative called Follow the Money,⁴⁹ which provides information on public spending at the municipal level. Other interesting initiatives include Kontrolor.rs,⁵⁰ managed by the Network for Political Accountability (MPO), which monitors public expenditure; Zakon je naš,⁵¹ a website for public discussion on proposed laws; and initiatives by “Serbia on the Move” that focus on fighting corruption in the health sector (after the successful campaign “I do not accept bribes, I work for my salary” collected 10,000 signatures, they are launching the “Rate Your Doctor” campaign, which combines a website⁵² and a Twitter account, #kakavjedoktor). Since July 2012, Perun,⁵³ which encourages whistleblowers to report corruption and has involved Jakob Appelbaum from WikiLeaks and Arturo Filasto from GlobalLeaks, has been active. All reports go directly to Juzna Vesti,⁵⁴ a media outlet from south Serbia. Journalists then verify the reports and publish the information.

Regional initiative

Fiscal Monitor is a regional initiative that focuses on municipality budgeting and is implemented in three countries: in Bosnia and Herzegovina⁵⁵ by the Sarajevo School of Science and Technology (SSST), in Macedonia⁵⁶ by the NGO Forum-CSRD, a local think

tank, and in Serbia.⁵⁷ An interesting site and also a useful resource for journalists and whistleblowers is the Balkanleaks initiative.⁵⁸ This also includes Bulgaria, and has a mission “to promote transparency and fight the nexus of organised crime and political corruption in the Balkan states.”

Conclusions

Throughout 2011 and 2012, national and regional events confirmed the interest and relevance of approaching accountability, transparency and corruption using social media, mapping platforms and other online tools. It is too early to evaluate the strength of all these initiatives. They can be the result of a favourable trend where several donors seem committed to push technological solutions into the advocacy arena, or the natural development of committed communities that have found in technology an ally that makes corruption visible and understandable for ordinary citizens. What we are witnessing is an increased aggregation of public budget expenditures, profiles of municipalities, and politician and party profiles uploaded and available to the public. However, the information is not always clear or accurate, and communication about the tools themselves fails most of the time, so they are only discovered by chance or solely of interest to the same groups who are already proactive citizens.

What is true is that all these initiatives, leaks to informal forum discussions, institutional attempts to initiate some form of open data, and data visualisation attempts, represent different parts of the same mosaic. Institutions, under EU accession pressure, have to show their commitment and organise their data, and citizens and civil society are getting better and more organised in requesting information. What emerges is a local, national and regional inventory, which combines information, data and trends. So all in all, even if chaotic and incomplete, it is a good feeling to see some common paths emerging. Surely the inventory is only at its first stage, a 1.0 Beta version, which often offers expensive or inaccessible technical solutions (software choices such as Flash), or cannot be used by citizens due to their limited access (low broadband penetration) and, last but not least, has weak or ghost communities behind it. Platforms that forget to state their name and are about accountability do not inspire trust. When navigating them, what appears evident is the presence of a project team, but the lack of a community. Proprietary or open source,

43 otvoreniparlament.rs

44 www.crt.rs/wp/sr

45 www.secons.net

46 www.yucom.org.rs/index.php

47 www.decentralizacija.org.rs

48 www.zainicijativa.org

49 www.pratipare.rs

50 www.kontrolor.rs

51 www.zakonjenas.rs

52 www.kakavjedoktor.org

53 www.perun.rs

54 www.juznevesti.com/Istrazujemo/index.sr.html

55 www.fiskalnimonitor.ba

56 www.fiskalenmonitor.mk

57 www.fiskalnimonitor.rs

58 www.balkanleaks.eu

all these platforms need to engage people to be useful and to support mobilisation.

Technology platforms can be a great tool for international consensus seeking, but at the same time it is easier to produce an ad hoc platform for the duration of a project, then abandon it at the end of the project once funding has run dry, and complain about institutional and citizen passivity!

Action steps

- Provide real access to information (information feeds/long reports) establishing collaborations and synergies for visualisation of existing reports to reach out outside the formal civil society sector and to spread from the “netizen” community to ordinary citizens. To build an understanding and rejection of corruption we need continuity of reporting in a format that can be accessible to all. Headlines and timelines need to keep people informed, and information needs to be constantly posted on cases and laws.
- Strengthen citizen transparency/accountability literacy. More and more sites are appearing

- that in one way or another use data visualisation to make information more understandable to the general public. There is a need to not only increase the flow of information but also to strengthen the ability of citizens to use this data. There is also a need for more presentations and events in the offline space, which will allow time for reflection, but moreover will help citizens to create action groups. Western Balkan citizens can be described as bystanders, with individuals and groups looking and staring at the issues without making a move. The point is not so much about “sparking a revolution” as generating a consciousness of rights and resistance.
- Index the good and the bad. Show the deadlocked judiciary and inefficiency/carelessness of public officers or the police. To bypass the collective responsibility syndrome, which covers up individual responsibility, it is necessary to give visibility to the entire cycle of corruption. This includes where the complaint starts, with the disempowering practices of officials who receive citizen complaints or fail to answer questions, all the way up to the judiciary. ■