

# PROMOTING THE AFRICAN UNION CONVENTION ON PREVENTING AND COMBATING CORRUPTION

## Tactical Area 6

Monitor the AUCPCC's implementation

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# ADVOCACY TOOLS AND TACTICS

This is one of six toolkits – each focusing on a different tactical area – from the collection, *Promoting the African Union Convention on Preventing and Combating Corruption: Tools and Tactics*.

While monitoring and advocating for the implementation of the African Union Convention on Preventing and Combating Corruption, several Transparency International chapters developed advocacy tactics to hold governments accountable. These have helped them work with decision-makers to meet the as yet outstanding commitments in implementation and enforcement of this convention.

This collection was developed as part of Transparency International's project, Towards Enforcement of Africa's Commitments against Corruption (TEA-CAC), funded by Germany's Federal Ministry for Economic Cooperation and Development (BMZ). It presents tools and tactics that are based on real examples of creative advocacy work so that other civil society organisations can replicate them in their own anti-corruption campaigning.

The other toolkits:

## **Tactical area 1**

Increase public awareness to the implementation status of African states' anti-corruption commitments

## **Tactical area 2**

Empower African civil society organisations to effectively engage in anti-corruption activities

## **Tactical area 3**

Strengthen the capacities of media partners to monitor the implementation of anti-corruption commitments and demand accountability

## **Tactical area 4**

Strengthen anti-corruption institutions and anti-corruption work by public authorities

## **Tactical area 5**

Advocate for legal reforms in the domestication of the AUCPCC

## **Tactical area 6**

Monitor the AUCPCC's implementation

You can access each toolkit and the full collection of tools and tactics on the [Transparency International website](#).

# TACTICAL AREA 6

## Monitor the AUCPCC's implementation

Civil society and the media play a crucial role in monitoring government compliance with their obligations under the AUCPCC.

Corruption Watch South Africa developed a tactic to assess the overall compliance of their government towards its obligations under the AUCPCC.

The methodology developed by them can also be replicated in other countries.

The approach from I WATCH to monitor the public's Access to Information is concentrated on civil society's role in demanding their right to information.

TI Rwanda focused their efforts on ensuring access to information by reinforcing the capacity of public stakeholders (including both officials and journalists) in fulfilling their respective roles in responding to requests for information and informing the public about this tactic.

# A SCORE CARD TO ASSESS IMPLEMENTATION OF THE AUCPCC (SOUTH AFRICA)

## HOW IT RELATES TO THE AUCPCC

Establishing, maintaining, and strengthening anti-corruption institutions (Article 5), preventing and combating money laundering (Article 6), preventing and combating illicit enrichment (Article 8), and regulation and transparency of political party funding (Article 10).

## Why use this tactic?

This advocacy tactic creates an objective measure of the need for further government anti-corruption reform by using a methodology to assess a government's compliance with commitments under the AUCPCC. Similar to Transparency International's National Integrity System studies, this perceptions based study blends quantitative and qualitative methods to put discussions with the government on a more technical and objective basis while giving simple scores on complex subjects.

## Description and objectives of the tactic

Civil society often takes a more critical view of corruption than the government, which can hinder dialogue with authorities. So this tactic can help find a middle ground to objectively assess the implementation of anti-corruption measures and make monitoring of compliance with the AUCPCC not just an exercise or a formality but a meaningful and substantive dialogue. This tactic includes conducting a survey of anti-corruption experts bolstered by the information explored in the literature review, a series of key informant interviews with government officials on a frank, anonymous basis, and then review panel discussion of the findings.

The objectives of this tactic are to:

engage the government by putting a clear score on how the government addresses corruption in the public domain, which can initiate discussion with the government on particular legislation that needs to be amended to improve the score

## Key conditions for success

- + As prerequisites, anti-corruption laws should already be in place and the authorities should embrace adherence to the anti-corruption standards set by the AUCPCC. There needs to be government respect for the rule of law for this tactic to be efficient.
- + The government should be open to dialogue and have conversations with civil society. Access to information, such as statistics about enforcement of various anti-corruption laws, is key.
- + On issues of corruption such as money laundering, embezzlement or illicit enrichment, a pre-existing relationship with law enforcement agencies can facilitate individual interviews to be as dispassionate and technical as possible. Private conversations with government experts provide key data through their feedback about anti-corruption successes and challenges.
- + An organisation adopting this tactic needs to have the capacity for research. The tactic relies upon rigorous surveys and interviews to establish a credible baseline about legislative weaknesses. Inside that civil society organisation, there should be at least one person who has a background in research to supervise the methodological work to develop the score card.

## Background to the tactic

South Africa seems to be meeting its obligations to implement the articles of the AUCPCC. In terms of the actual mechanism for implementation, however, Corruption Watch perceived there was a gap, but needed to quantify how implementation failed to match government commitments. Therefore, Corruption Watch developed a methodology to assess compliance in enacting and implementing anti-corruption laws.

## How to do this: Steps to take

### 1. Conduct a literature review relating to selected articles of the AUCPCC

In the case of Corruption Watch, they focused on: Anti-Corruption Institutions (Article 5); Money Laundering (Article 6); Illicit Enrichment (Article 8); and Political Party Funding (Article 10). This desk study should include relevant academic papers, legal analyses and journalistic articles. This will help set the indicators for the score card.

### 2. Interviews of key government informants who have knowledge

and experience in one or more of articles under review. These insider views help refine the indicators.

### 3. Designing the methodology for the score card

This involves engaging a research team, either a consultancy or through a university, to set the indicators to be measured by the score card. One person inside the organisation will need a background in research to supervise the methodological work to develop the score card.

### 4. Use an online questionnaire for qualitative data collection from a relatively small sample of chosen anti-corruption experts

Ask the experts to apply a rating matrix on a range of indicators to create scores for government compliance with the AUCPCC. Choose the experts carefully for their expertise in the selected articles of AUCPCC and for their character, such as independence and record for integrity.

### 5. Present the draft findings from the survey to the invited panel of independent experts for their comments and questions.

Validation was key to ensuring that the findings identified reasonable and relevant gaps.

### 6. Present the results to government officials

Prior to publication, to engage high-level government policymakers in dialogue.

### 7. Publish the final study to advocate for change

Launching the score card study in the media is the start of evidence based campaigning for change through public pressure. Publicity can assist positive-minded anti-corruption officials inside the government get their superiors to take notice of the score card's findings.

### 8. Promote its use in other countries

Corruption Watch is creating instruction material to be shared with other anti-corruption organisations and TI chapters in the region so that they can conduct similar studies in their own countries. The organisation also has bigger aims to advocate for the AU to adopt this methodology in its reviews to have an objective piece of information with which to engage all the countries that have ratified the AUCPCC.

## Additional information

The traditional Transparency International National Integrity System (NIS) study could be also used to buttress the use of this newer tactic. There is a great deal of advocacy experience and lessons learned from more than two decades of implementing NIS studies, which undertakes analysis via a similar [consultative approach](#) involving the key anti-corruption agents in government, civil society, the business community and other sectors.

One caveat for an organisation replicating this tactic: it is important to have trusted access to officials' inside views to assess compliance. Therefore, strong existing personal contacts inside the justice sector are a key to success.

- + Corruption Watch, 2022 (forthcoming), Commitment Rich, Implementation Poor: An Assessment of South Africa's compliance with the African Union Convention on Preventing and Combating Corruption

- + Instructional materials will be developed and made available to organisations that explain the methodology and how to go about it so that they can replicate the study (to be published in 2022)
- + UNCAC Coalition. [Developing An Anti-Corruption Advocacy Plan: A Step-by-Step Guide](#)

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# CAPACITY BUILDING OF JOURNALISTS TO USE ACCESS TO INFORMATION LAWS (TUNISIA)

## HOW IT RELATES TO THE AUCPCC:

Article 9 of the AUCPCC (access to information) stipulates that “each State Party shall adopt such legislative and other measures to give effect to the right of access to any information that is required to assist in the fight against corruption and related offences.”

## Why use this tactic?

Access to information is an essential part of enabling citizens’ participation in holding their elected officials accountable. Therefore, in a country that has an access to information law, there should be a thorough understanding of how to request information from a local or federal government office. Journalists through their anti-corruption reporting initiate and stimulate the public debate about integrity, but face challenges in accessing information from public bodies. Teaching journalists to access public information bolsters this right.

## Description and objectives of the tactic

The tactic builds the capacity of journalists, particularly younger student journalists, to use an existing access to information law. Information relating to sensitive issues such as corruption, organised crime, environmental contamination or conflicts of interest in policy setting are particularly difficult to research. Therefore, access to information laws have become a crucial tool that can guarantee journalists access to information held by public bodies for their stories and investigations, enabling them to exercise their role as public watchdogs in our democracies. The objectives of this tactic are to:

- + make information widely accessible: if the information is obtained through the access to

information process under law, then it can be legally published without challenge

- + build a new generation of journalists that can continue a “watchdog” function in society

## Key conditions for success

- + Start small. Requesting less sensitive information to help officials become accustomed to assisting citizens using this law.
- + Gain the cooperation of the government body responsible for overseeing the protection/implementation of the right of access to information, if there is one. This can be done by providing positive feedback and encouragement.

## Background to the tactic

The right to information is an essential pillar for accountability and anti-corruption because it gives citizens access to information about how their country is being generally governed, as well as specific data about public management such as how the country’s funds are used by public institutions. In its Article 32, the Tunisian constitution provides that “the State guarantees the right to information and the right of access to information...”, by which the right to information became a constitutional right.

In its work around the implementation of the AUCPCC in Tunisia, I WATCH has focused a lot of its advocacy work on access to information. The first objective was to get a law adopted. Then advocacy focused on ensuring that the public and journalists in particular know the law and how to request information from public authorities. The Organic Law n°22-2016 sought to guarantee the constitutional right of access to information by creating an authority called

the Access to Information Authority ([INAI – Instance nationale d'accès à l'information](#)), which guarantees the protection of this right. Apart from its administrative role for monitoring and promoting access to information, INAI also has a judicial role, ruling on access to information related disputes. I WATCH therefore also monitors the implementation of the law, and makes appeals to this body in cases when access to information requests are not honoured.

## How to do this

### 1. Outreach to journalism students

Publicising the workshops on how to use access to information laws requires outreach at universities to make journalism students aware of the offered training. To reach out to young journalists to understand how they can use the access to information law, I WATCH created [Icampus](#) as a student movement for integrity.

### 2. Cooperation with professional journalism bodies

Engaging in a long-term partnership with the trade union for journalists ([Syndicat national des journalistes tunisiens](#)) helped to promote the discussion about access to information. I WATCH also consulted the Tunisian National Press institute ([Institut national de Presse et des sciences de l'information](#)) in formulating its training.

### 3. Workshops with the media

In the workshops, participants learn how to use the right to access information in anti-corruption investigations. The journalists also learn about the most recurrent challenges in accessing information: delays, accessibility of archives and lack of digitalised information. In a role play format, the workshop builds capacity among the participants in writing and making access to information requests.

### 4. Assistance to prepare access to information requests

I WATCH has a group of volunteers ready to assist journalists, particularly younger student journalists, in filing requests for information with authorities.

### 5. Strategic litigation

When journalists report being blocked in their requests, I WATCH assesses cases and, in some instances, will mount an appeal to the access to information authority.

## Additional information

This tactic is predicated upon an existing access to information law. Therefore, in countries lacking this law, a preliminary advocacy action may be needed to push for the adoption of such legislation. In particular, it is important to ensure that the draft legislation includes robust measures for coordinating information requests and a mechanism to appeal any refusals by government officials to divulge information to the public. To craft a strong law, advocacy is needed at the hearings of parliamentary legislative committees, as well as lobbying to gain the support of individual parliamentarians.

- + I WATCH. [Access to information in the Middle East and North Africa](#)
- + Access Info Europe. [The Legal Leaks Toolkit](#)

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# PROMOTING THE PUBLIC'S RIGHT OF ACCESS TO INFORMATION (RWANDA)

## HOW IT RELATES TO THE AUCPCC:

Article 9 (civil society and media) states that governments should "...adopt such legislative and other measures to give effect to the right of access to any information that is required to assist in the fight against corruption and related offences."

- + facilitate engagement of the public to ask government officials for information
- + monitor and report the implementation of the access to information law

## Why use this tactic?

The right of access to information empowers not just journalists but all citizens to obtain information held by public bodies (with limited exceptions). Access to information is essential in the fight against corruption, enabling civil society activists and the public to participate in public debates, engage directly with decision-makers and have their rightful say in the development of policy and law.

## Description and objectives of the tactic

This tactic centres on enabling citizens to exercise their voice, effectively monitor the government and hold it to account. To create awareness about the law among the general public, this approach tries to show citizens how decisions which affect their lives need to be transparently decided upon by public officials with their participation. The vital empowerment of access to information depends upon both the willingness of government to be transparent, and the ability of citizens to demand and use information to claim their rights.

The objectives of this tactic are to:

- + analyse barriers that prevent access, such as the responsible government officials not understanding their obligations under the law or gender inequality and women's unequal access to public information

## Key conditions for success

- + To exercise access to information, a country needs legislative provisions that require public disclosure and dissemination of specific information relating to the functioning of the administration and its anti-corruption measures.
- + To exercise this right, public awareness of the legislation is needed so that citizens know how and to whom they can request information from the government, as well as an understanding by public officials on how they should respond to requests properly.

## Background to the tactic

Access to information depends upon a country's existing legislation. Some countries are in the process of enacting such a law, while in others it is absent but may be in the process of being considered. In Rwanda, the legislation is in place, but that did not mean it was working.

An access to information law was passed in 2013 (Law no 04/2013 of 08/02/2013 related to access to information, in Official Gazette, n° 10) in Rwanda with enforcement entrusted to the office of the ombudsman to monitor its implementation. The purpose of the law is to enable the public and journalists to access information held by public and private institutions; therefore, the law is applicable to private bodies as well as the state.

The main issue in Rwanda lies in citizens' low level of awareness to the law, or they are worried about the repercussions of making such a request in a culture of not challenging authority. Journalists also need greater awareness about how to make such requests. There is also a problem with those who are supposed to provide information to the public: some public officials do not know that it is mandatory to provide information.

## How to do this: Steps to take

### 1. Research and analysis phases

Assess the compliance of domestic laws with the AUCPCC and identify major gaps, one of them concerning access to information. This should be followed by an analysis to decide on how best to solve this compliance issue. And finally, planning on which decision-maker will adopt the suggested reform.

### 2. Begin discussions with those in government tracking implementation

This is often the responsibility of the office of the ombudsman or other agency. Quantifying how many requests are received and how many requests are responded to can indicate where problems may be arising in the access to information system. Low figures may arise from the way statistics are kept, so there is not a lack of political will but lack of effective recording of that access being granted.

### 3. Inform and train the duty bearers

Often those designated government officers who are responsible for processing these requests have low capacity in this type of work. A civil society organisation can begin the conversation on a positive note, with the assumption that officials may be unaware and not malicious or deliberately obstructive.

### 4. Public awareness campaign

Beyond simply informing citizens about their right to information, a campaign should show how access to information is relevant to find solutions to their daily problems in public service delivery. Providing specific numbers and forms to ask for information can increase requests.

## Additional information

In addition to using the AUCPCC, those replicating this tactic could use the UN Convention against Corruption (UNCAC) as a lever of influence. The general advocacy argument is to encourage national governments to adopt and develop access to information laws that meet the highest regional and international standards to improve the national legal framework for transparency. There may be legal obstacles, however. Other laws, or bilateral agreements may act to increase secrecy, such as trade agreements. And, in some countries, regulations protect other areas such as personal data, which can also be an obstacle to accessing information held by public bodies.

- + Transparency International Rwanda. [The implementation of the African Union Convention on Prevention and Combating Corruption by Rwanda](#)
- + The UNCAC Coalition. [Learn more: Access to Information](#)

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