

## **PROMOTING CITIZENS' PARTICIPATION AND ENGAGEMENT AS A POWERFUL COLLECTIVE APPROACH TO ANTI-CORRUPTION EFFORTS**

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### **I. INTRODUCTION**

Corruption has been considered as a very serious global phenomenon today, because corruption has a destructive impact that no longer only hinders national development, slows economic growth, widens inequality and poverty gaps, but has further and massive implications for climate change and the environment. Various entities at regional, national and international levels have been attempting to tackle corruption. However, it remains well entrenched and is even on the rise in some countries, particularly among those in the developing world. Of course, corruption also occurs in developed countries, but they generally have stronger legal frameworks and mechanisms in place to tackle it. By contrast, many developing countries, such as Timor-Leste, lack effective institutional capacity to deter corrupt practices.<sup>1</sup> Therefore, the efforts to eradicate corruption requires a more comprehensive, consistent, long-term approach and above all to build and increase awareness of citizens to be actively involved in, participate in and synergize the efforts to eradicate corruption in a consistent and organized, measurable manner. This concept is reflected in article 5 of UNCAC regarding preventive anti-corruption policies and practices, which states that:

...Each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.

Internally, CAC has stipulated in its general objective to prevent corruption by putting forward the mandate that “an active participation of citizens, through associations or groups of associations, the formal and informal education sector, youth and student groups are the key element in efforts and movements to eradicate corruption.” In addition, CAC’s strategic plan also reaffirms the importance of increasing public knowledge and awareness in the movement to prevent and eradicate corruption.<sup>2</sup>

Basically, the discourse of citizens’ involvement in various aspects of the state is not a new concept, and the movement to eradicate corruption has already gained attention in the last few decades. As the National Democratic Institute (a civil-society organization (CSO) based in the United States) emphasizes that the citizens have “the right to participate in decisions that affect

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<sup>1</sup> Aderito de Jesus Soares, Former First Timor-Leste Anti-Corruption Commissioner; Social Movement as an Antidote to Corruption.

<sup>2</sup> Planu Estratejiku CAC 2021-2025: <http://cac.tl/wp-content/uploads/2021/03/Planu-Estratejiku-Comissao-Anti-Corruptcao-PECAC-tinan-2021-2025.pdf>

the public welfare” and “participation is an instrumental driver of democratic and socio-economic change, and a fundamental means of empowering citizens.”<sup>3</sup>

The people of Timor-Leste have a unique history of the national liberation movement which was closely linked to the involvement of its citizens. Considering that the phenomenon of corruption has been seen as a serious social issue and it has a broad impact on all aspects of the life of the nation and state, the efforts to involve citizens' participation must be seen as mandatory.

In the context of Timor-Leste, the involvement of citizens in the issue of eradicating corruption so far has already shown a positive trend, as one of those concrete examples is the involvement of citizens to prevent corruption during the Covid-19 pandemic. However, there are still structural and cultural barriers because it seems that the citizens' involvement in fighting against corruption is still at the individual level, spontaneous, unorganized and unsystematic, inconsistent and, most concerning, is politicized. In particular, reactions and protests against anti-corruption issues begin to show up when their interests are not accommodated, then they will speak up – but on the other hand, if their interests are accommodated, even though there are clear indications of corrupt practices, their voices disappear.

## II. LEGAL FRAMEWORK

As discussed above, article 5 of UNCAC has emphasized the importance of public participation which reflected the principles of the rule of law, integrity, transparency and accountability of each participating country or State party.

However, long before Timor-Leste ratified UNCAC, the Constitution of Timor-Leste, particularly in article 6 (b) on the objective of the State, expressed guaranteed active participation of all citizens, including guarantees of the right to fundamental freedoms and respect for the basic principles of democracy. This implies that the fight against corruption is a moral obligation from all elements of the state.

As part of efforts to integrate citizen involvement in the policy of preventing and eradicating corruption, Law No. 7/2020 concerning “Measures for Prevention and Eradication of Corruption”, in its article 2 (2) stipulates that in order to formulate a national anti-corruption strategy, it guarantees a broad scope of public participation, especially through CSOs, the private sector, the media and other social elements.

Furthermore, article 24 especially in paragraphs (1) and (2) of the above-mentioned law, specifically requires public participation in decision-making, especially in the formulation of anti-corruption prevention strategies, and its revision or reformulation relies on the participation of all representative sectors of the organized civil society, including, among others, non-governmental organizations (NGOs), the media and religious organizations in which all elements of society are encouraged to take an active role so that their voices and interests are accommodated.

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<sup>3</sup> UNODC Module 10: Citizen participation in Anti-Corruption Efforts <https://www.unodc.org/e4j/en/anti-corruption/module-10/key-issues/the-role-of-citizens-in-fighting-corruption.html>

### III. EXAMPLES OF TRENDS IN CITIZENS' PARTICIPATION IN PUBLIC POLICY AND OVERSIGHT OF STATE BUDGET EXPENDITURE

The tradition of citizens' participation in Timor-Leste is not a new issue, as the implications of a democratic state, especially in terms of the state to encourage the citizens to take an active role in the public policy process has been showing a positive trend.

The following discussion will provide some real examples of the communities' or citizens' involvement, both individually or collectively, in an organized and systematic manner. Especially related to the efforts in influencing public policy through the legislative process in regard to state efforts and commitments in terms of policies for preventing and eradicating corruption and controlling the state budget expenditure during the Covid-19 pandemic.

There are some legislative policies on public interest which were discussed and approved in the National Parliament as a result of the movement and advocacy efforts of the citizens, as follows:

1. **Law No.7/2020 of 26 August: Measures to Prevent and Combat Corruption:** One of the examples of a great and historical achievement is Law No.7/2020 concerning Measures to Prevent and Combat Corruption. It was legally enacted on 22 February 2021. The law was finally discussed, passed and approved in the National Parliament and then promulgated by the President because of the result of movements, efforts and voices involving various components of society ranging from civil society, mass organizations, the youth organization of university students, academics and religious-based organizations. Advocacy and public engagement movements have been carried out consistently for approximately a decade immediately after the establishment of CAC. This law generally focuses on prevention efforts in which there are two most important components in the area of prevention, such as the national anti-corruption strategy and the regime of declaration of income, assets, and interest from the high ranking of public officials.<sup>4</sup>
2. **Cancellation of the draft defamation law:** Another important issue that is considered as the biggest contribution of public engagement through citizen participation and mass media and social media is the cancellation of the government's initiative to enact a special law on criminal defamation which was initiated by the Ministry of Justice's legislation department in around 2020. This initiative, of course, is strongly against the values of Timor-Leste's Constitution which guarantees freedom of opinion and freedom of the press as guaranteed in articles 40 and 41 of the Constitution. Above all, if the defamation law would have been enacted it would not only disturb the freedom of expression and media freedom, but it possesses a strong effect and serious threat to anti-corruption efforts. The defamation law would silence the voices and speech of NGOs and journalists, academics and youth/student movements and hinder citizens from fully participating in a critical way to contribute to national development, including being afraid to report the corrupt behaviour of government officials in the public sector because they would be criminalized through the Defamation Law.

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<sup>4</sup> LEI N.o 7 /2020 de 26 de Agosto- MEDIDAS DE PREVENÇÃO E COMBATE À CORRUPÇÃO:  
<http://cac.tl/wp-content/uploads/2021/03/Medidas-de-Prevencao-e-Combate-a-Corruptao-Lei-No.7.2020.pdf>

Considering that freedom of opinion and the press are constitutional rights of all citizens, almost all elements of societies are actively involved, both through conventional media and social media, and submission of letters to sovereign institutions of the country which all are actively against this draft law which resulted in the draft of the law being withdrawn from the government's legislative agenda.

3. **Oversight of the Covid-19 budget:** Almost all countries around the world are experiencing a serious shock regarding the threat of the Covid-19 virus, and the impact is still being felt today. This forces all countries to take strategic steps to respond to the massive impact of Covid-19. However, it must be realized that the emergency response to the Covid-19 pandemic does not give serious attention to the potential risks of corruption. In an analysis report from the U4 Anti-Corruption Resource Center, it was concluded that the policies related to the response to Covid-19 have paid very little attention to good governance and corruption.<sup>5</sup>

In response to the threat of the Covid-19 virus, the Government of Timor-Leste issued Resolution No. 28/2020, 19 August – as a short-term measure to minimize and mitigate the impact of the economic crisis and introduce the new Economic Recovery Plan<sup>6</sup> for the country. One of the government's responses through the programme called “social assistance and economic rescue for people who were affected by Covid-19” was a subsidy provided to those families whose income is below \$500 USD. This subsidy programme cost approximately USD 67 million, which covered the period of April to December 2020, and the budget covered 334,008 households as beneficiaries.<sup>7</sup>

In relation to this subsidy, what I want to discuss in this paper is the involvement of the citizens or community to oversee how the relevant institutions carry out their duties with integrity in a transparent and responsible manner. Considering the weaknesses of the internal control system, CAC mobilizes important elements such as civil society, youth groups, students, the media and other oversight institutions such as the Civil Service Commission, the State of General Inspector and Ombudsmen office to control how the institutions in charge expend the funds allocated. From the close collaboration and effective oversight from various levels of civil society, media and other groups as above mentioned, in the end, funds amounting to US\$4,211,776 were successfully returned to the state treasury fund from the total allocated budget.

The three cases described above illustrated how to promote citizens' involvement and engagement as a powerful collective approach to anti-corruption efforts. The last case showed the real and concrete result from the citizens' participation.

#### IV. STEPS TO STRENGTHEN CITIZENS' PARTICIPATION

Since its inception in 2010, the CAC has been very active in raising awareness about the causes and consequences of corruption in public life. The CAC's vision was to “create a strong culture of rejecting corruption” in Timorese society. Awareness-raising was central to achieve

<sup>5</sup> <https://www.u4.no/publications/anti-corruption-in-covid-19-preparedness-and-response>

<sup>6</sup> Government approves short term measures to mitigate the COVID-19 impact on the national economy <http://timor-leste.gov.tl/?p=25275&lang=en&n=1>

<sup>7</sup> RELATÓRIO E PARECER SOBRE A CONTA GERAL DO ESTADO: <https://www.tribunais.tl/wp-content/uploads/2022/02/RPCGE-2020-1.pdf>

this objective, given the dark trajectory of corruption in modern Timorese society. During the first Commissioner of CAC inaugural ceremony, he strongly emphasized that “combating corruption can only be successful if it becomes a widespread social movement involving all segments of Timorese society” (Soares 2010).

As discussed in the examples above, the CAC is and will continue to encourage wider participation in efforts to involve community participation in fighting and combating corruption. However, as emphasized by Mr. Tony Kwok Man-wai,<sup>8</sup> we should realize that there is no single solution to the problem of corruption. We need a comprehensive approach.

Various outreach activities, such as campaigns and seminars at local, regional and national levels will continue to be the main agenda of CAC's work plan to increase public knowledge and awareness about the negative impacts of corruption. This programme has been strengthened in article 25 (1) of Law No. 7/2020 regarding public information and education, which requires CAC to conduct campaigns and publications through pamphlets and posters and encourages government institutions to use internet services to facilitate public access to programmes and public service activities in a transparent and accessible manner.

The CAC annual report published every year shows that at least 7,500<sup>9</sup> people from various levels of society have benefited from public-awareness efforts and information dissemination about corruption and efforts to combat it which are carried out regularly every year by the Integrity Values Promotion Unit.

In addition to activities designed and programmed in the annual work plan, the CAC also develops various efforts through meetings with leaders of NGOs, conventional and social media, political parties, students and university students. In particular, the CAC has also signed MOUs with two or more NGOs to carry out knowledge and awareness-raising activities on the impact of corruption. Further, the CAC also signs an MoU with NGOs to monitor the trial process of corruption cases in court and help analyse the draft of a new law in the National Parliament to provide input on articles that have the potential to give room/space for corruption to occur or those articles that are contrary to state commitments to fight corruption.

## V. CHALLENGES

As discussed above, there is a strong spirit and enthusiasm at all levels of society to fight corruption. However, this enthusiasm and spirit are still faced various challenges and obstacles.

These challenges might as well be in the form of structural barriers, such as a lack of adequate understanding of the negative impacts of corruption and a culture of tolerance and permissiveness in the society which greatly affects the efforts to eradicate corruption in a consistent and measurable manner.

In addition, the cultural and social factors in Timor-Leste's society result in the fact that almost everyone knows each other, especially in the public sector, which also contributes to the difficulty of eradicating corruption. Such challenging factors that affect efforts to eradicate corruption are seen to be very passive and stagnant. This requires new strategies and innovative approaches.

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<sup>8</sup> Former Deputy Commissioner and Head of Operations, Independent Commission Against Corruption (ICAC), Hong Kong. Paper: National Anti-Corruption Strategy: The Role of Government Ministries.

<sup>9</sup> <http://cac.tl/wp-content/uploads/2022/08/RELATORIO-ANNUAL-CAC-2021-2.pdf>

## **VI. CONCLUSION**

Corruption is a complex social phenomenon which has a very massive destructive impact on humans' lives and the environment; therefore, it requires social solutions that involve all components of society to tackle corruption. Everyone in society should take an active role to promote citizens' participation against corruption.

In particular, the history of Timor-Leste's struggle for liberation essentially involved active participation from citizens throughout the process. The most important thing is how the efforts are able to build collective awareness of all citizens that corruption is a new form of colonialism that has a destructive impact that threatens the existence of the state.

To ensure consistent, well-coordinated and well-organized public involvement, of course, requires an integrated work plan. Timor-Leste's government is now at the stage of preparing a national anti-corruption strategy, as an obligation under Law No.7/2022, so the concept of integrating citizens' participation must be considered as a mandatory element.