

U4 HELPDESK ANSWER 2024:22

The role of civil society organisations in countering transnational corruption

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Civil society organisations (CSOs) can help to prevent, detect, investigate cases of transnational corruption and advocate for addressing systemic loopholes, improve standards and rules, and strengthen institutions. Several factors such as the freedom of press, ability to cooperate with other CSOs and intergovernmental organisations, open data, and sustainable funding facilitates this anti-corruption work.

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Published

22 May 2024

Keywords

Transnational corruption – civil society – grand corruption

Related U4 reading

[Definitions of grand corruption \(2020\)](#)

[Beneficial ownership registers: Progress to date \(2020\)](#)

[Evidence on the transit and destination financial centres used for the proceeds of corruption \(2023\)](#)

Query

Please provide an overview of work by civil society organisations (CSOs) that have the most impact on exposing and fighting transnational corruption. What are some of the enabling conditions for their success?

Main points

- Civil society organisations (CSOs) have an important role in demanding accountability from governments and serving as a link between citizens and decision-makers.
- As part of measures to counter transnational corruption, CSOs can help to drive policy reform, generate evidence, provide technical expertise and capacity-building and be involved in the investigation and enforcement of transnational corruption cases.
- Some CSOs advocate for change on the standards, rules and practices to curb transnational corruption. Others have published data on corporate ownership and politically exposed persons (PEPs) to support the work of investigative journalists tracking illicit finance.
- Enabling conditions for CSOs to successfully counter transnational corruption include an open civic space, freedom of press for investigative journalists, sustainable funding, open data the opportunity to collaborate with decision-makers, and collaborations of cross-national networks and in-country networks working on anti-corruption.

Contents

Background	5
Interventions led by civil society organisations	8
Policy reform	8
Exposure and evidence generation	10
Technical expertise and capacity building	11
Enforcement	13
The enabling conditions for success	16
Protected civic space	16
Sustainable funding	18
Open data	18
Entry points to intergovernmental organisations and global fora	19
Strategic litigation for anti-corruption	20
Initiating asset recovery	21
The freedom of press	21
Civil society partnerships	22
References	23

Background

The scale of corruption varies widely and can range from small-scale acts involving one corrupt individual to an entire network of parties and institutions collaborating to move the proceeds of corruption across the globe. It can manifest as a civil servant demanding money in exchange for public services, or a public official granting government jobs or contracts to their sponsors, friends or family (Transparency International n.d. a). Officials might also influence the formation of national law and policy so that they themselves are the direct beneficiaries and work to disable accountability institutions, effectively capturing the state (David-Barrett 2023). If these offenses, actors, and ill-gotten gains all remain within the same country then this is considered domestic corruption.

Transnational corruption, on the other hand, involves corrupt practices which cross national borders and/or involve acts or actors in more than one country (Cooley and Sharman 2017). It is often a form of networked corruption in which corrupt political elites and their accomplices redirect resources and launder ill-gotten gains through the international financial system (Alicante 2019). For instance, a multinational company may bribe a foreign state official for public contracts and those officials then launder their ill-gotten gains through foreign bank accounts. Or a public official may embezzle public funds and use these to purchase real estate or luxury goods in a foreign country.

Often in cases of transnational corruption, actors will engage in bribery, extortion, embezzlement (or other corrupt acts) in a country with weak rule of law and then move the proceeds of their crime to a country with a stronger rule of law and economic stability to safeguard their ill-gotten gains (Cooley and Sharman 2017; Transparency International 2024). Transnational schemes often also involve an intermediary jurisdiction to further conceal the source of their illicit funds. Many of these are considered as 'secrecy jurisdictions' (or 'tax haven' or 'offshore financial centre'), as they facilitate financial services to clients with a high level of secrecy and minimal regulation (Corruption Watch 2021; Freigang 2023).

Jurisdictions such as the British Virgin Islands, Luxembourg, Mauritius, the Cayman Islands, Singapore and others provide these facilities, which include anonymity in company and trust ownership, banking secrecy, and relaxed regulations regarding anti-money laundering (Corruption Watch 2021; TJN n.d.). Professionals, such as lawyers, accountants and company service providers, work (particularly in secrecy jurisdictions) to provide a range of services to help shield the corrupt from accountability. Professional enablers help to set up opaque structures to conceal

funds, such as shell companies and trusts (Dell 2023). Citizenship and investor visa programmes can also be used to provide corrupt individuals with access to foreign markets to help hide their illicit funds (Cooley and Sharman 2017).

Given the large sums of money lost and the complexity of these schemes occurring across more than one jurisdiction, policy and enforcement responses at many different levels are necessary for their prevention and detection. There have been several international instruments and standards directed at curbing this exploitation of the global financial system. These include international treaties such as the [United Nations Convention against Corruption \(UNCAC\)](#) which set out preventive measures that states should implement to counter the initial act of corruption. The [OECD Convention on Combating Bribery of Foreign Officials in International Business Transactions](#) requires member states to conduct awareness raising in the private sector, implement legislation criminalising bribery, cooperate internationally on investigations and other proceedings, and eliminate any indirect support of foreign bribery such as certain tax legislation (OECD 1997). [The United Nations Convention against Transnational Organized Crime and the Protocols Thereto](#) and UNCAC (Article 23) requires each state to criminalise laundering the proceeds of corruption as well as other predicate offences (UN 2004 b: 9).

Other measures to tackle transnational corruption include asset recovery procedures by which, once identified, the proceeds of corruption that have been transferred abroad are recovered and repatriated to the country from which they were taken or their rightful owners (UNCAC Coalition n.d.). International cooperation is also considered one of the requirements to combat transnational corruption, given its cross-border nature. International cooperation in criminal matters, such as extradition, mutual legal assistance, law enforcement cooperation and joint investigation between countries are key (UNODC n.d. a). Finally, given the prevalence of anonymous companies and trusts in transnational corruption schemes, another important tool for detecting and preventing transnational corruption is beneficial ownership transparency. This involves a record of the beneficial owners of a company or entity and involves an official registrar that collects and collates the information into one place (Shalchi and Mor 2022). These intend to prevent corrupt actors from obfuscating their ownership of companies and trusts used in the money laundering process.

Despite these, the current global norms and standards are insufficient to prevent transnational corruption and there is often resistance from transit and destination countries to prevent and prosecute corrupt actors and their accomplices. Unfortunately, transnational corruption has devastating impacts, diverting large amounts of state resources away from the public good, undermining state functions and creating pervasive violations of civil, political, economic, social and cultural rights (Dell 2023). The tendency of money stolen by public officials in lower income

economies ending up in the banks and luxury real estate of higher income countries further drives global inequality and deprives the most vulnerable populations of access to basic public services (Cooley and Sharman 2017).

Civil society organisations (CSOs)¹ act as watchdogs who decision-makers to account to uphold democratic values, rule of law and fundamental rights (EESC 2023). And, in this context, monitoring the state's ability in preventing and responding transnational corruption. The contribution of civil society organisations (CSOs) in curbing corruption is highlighted in the [UNCAC](#), where Article 13 mandates that states should promote the active participation of civil society in preventing and fighting corruption (UN 2004 a: 15). CSOs operate at national, regional, global levels and cooperate and partner with governments and international bodies to expose and combat corruption and provide policy recommendations. Importantly, they help to put the needs of citizens and communities on the agenda of policymaking (Mavee 2022).

However, civic space (the environment that enables civil society to play a role in the political, economic and social life of society (OHCHR n.d.)) is shrinking in many countries. Research shows that freedom of expression is declining in recent years as has the freedom of association (V-Dem 2024). The extent to which civil society is engaged in deliberation on policy has also been found to be worsening in many countries (V-Dem 2024). As such, the conditions necessary for CSOs to operate are becoming increasingly difficult. The two issues are compounding: on the one hand, transnational corruption threatens democracy and equality, while on the other, CSOs that attempt to disrupt these corrupt networks are being increasingly constrained in their ability to work. Therefore, it is important that states work to provide enabling environments that ensure non-state actors are able to hold the powerful to account and further promote democratic values.

¹ A civil society organisation (CSO) or non-governmental organization (NGO) is any non-profit, voluntary citizens' group which is organized on a local, national or international level (UN n.d.).

Interventions led by civil society organisations

Policy reform

CSOs play an important role in providing expert analysis on the prevention of transnational corruption to drive legislative change as well as provide advice for policymakers. They can take pre-emptive action to advocate for a specific agenda and promote policies or take the form of reactive action to certain events. Reactive campaigns may occur during political moments which create ‘windows of opportunity’ to drive anti-corruption policy reforms (Guerzovich, Gattoni and Algosó 2020; TAI 2021: 6). These could be during a time of change (the setting up of new institutions), during relevant events and developments, or in response to moments of regression in anti-corruption reform (Guerzovich, Gattoni and Algosó 2020).

As an example of pre-emptive action for policy reform, the INGO [Transparency International](#) campaigned since 2019 for the Financial Action Task Force (FATF) to amend its Recommendation on beneficial ownership registers². At the time, the FATF’s Recommendations had not specified how beneficial ownership information should be collected, so many countries relied on information collected by banks and other reporting entities (Transparency International 2019). This meant that investigating authorities had to first know which banks the companies used to then find the ownership data (Transparency International 2019).

Transparency International produced evidence and campaigned for a central register of company ownership to be required by the FATF Recommendations to make it easier for authorities to access the information, as well as improving the transparency and reliability of data (Transparency International 2019). It coordinated a public call to end anonymous companies, which was signed by more than 700 academics, business leaders, economists trade unions and civil society groups from 120 countries (Transparency International 2021). It also provided detailed input at public consultations, drawing on experience from 30 countries, to ensure the proposals put forward considered different contexts and legal frameworks (Transparency International 2021).

² The FATF is a global body that sets out standards to ensure a coordinated international response to prevent money laundering and the funding of terrorism.

In 2021, the FATF announced it was considering potential amendments to Recommendation 24 on beneficial ownership transparency (FATF 2021). After its public consultations, the FATF revised the global standard on beneficial ownership transparency to require that every country set up a beneficial ownership register, or sufficient alternative mechanism, to allow authorities to see who ultimately owns a company (Transparency International 2022). The change means that countries also now need to have three mechanisms in place – with information on the beneficial owners available from a register, from companies themselves and from supplementary sources such as banks (Transparency International 2022). However, the Recommendation was not revised to require countries to make their registers open to additional stakeholders and the public (Transparency International 2022).

Windows of opportunity for CSOs can occur when international policy-making bodies open public calls to facilitate dialogue with civil society. For instance, the International Monetary Fund (IMF) consulted with CSOs before publishing its new strategy on anti-money laundering and combating the financing of terrorism in 2023. This strategy underpins the IMF's future engagement with countries across all the IMF's functions, including surveillance, the financial sector assessment programmes, lending and capacity development (Knobel 2024).

The NGO Tax Justice Network documented their engagement during this process with the IMF and how they used an evidence-based approach to providing recommendations to the strategy. They used their prior research on the IMF's AML conditionality, where they found that some aspects of the conditionality may increase the volume of illicit outflows from countries due to its conditions of austerity and regressive taxes (Nosrati et al. 2023). Tax Justice Network also advocated for public access to beneficial ownership information to be included as a condition to receive funds and for increasing the focus of the IMF's policies on large financial centres such as the US, Switzerland, the UK and Luxembourg (Knobel 2023). While not all of Tax Justice Network's recommendations were included, the IMF's new strategy did prove to focus more on these large financial centres than before (Knobel 2024).

Local CSOs in source countries have also campaigned for the rights of local victims of corruption. They have campaigned for other remedies for victims, such as Namibia's [Institute for Public Policy Research \(IPPR\)](#), which calls for the creation of an independent Namibian foundation to provide lasting assistance for the victims of corruption (IPPR 2024). The Fishrot corruption scandal has had a lasting impact on Namibians, who now struggle to find employment, resulting in 1,000 workers losing employment (IPPR 2024).

Exposure and evidence generation

Whistleblower disclosures have been essential to exposing transnational corruption cases and networks. The leaking of Mossack Fonseca's documents (which exposed the ownership of offshore companies and the financial records related to these companies) was initiated by an anonymous whistleblower, as were countless other cases of corruption and financial crime.

CSOs have long campaigned for the strengthening of whistleblower protection legislation, key step in ensuring that these individuals can come forward and make their disclosures to help uncover instances of transnational corruption safely without fear of repercussions. CSOs also hold an important role as an independent bystander monitoring the state's obligations on matters such as whistleblower protection. For instance, the [Whistleblowing International Network \(WIN\)](#) (which is a practitioner's network that enhances the capacity of CSOs working on whistleblower protection issues) has produced an [EU Whistleblowing Monitor](#). This tracks the level of adoption and transposition of the EU directive on the protection of people who report breaches of EU law (2019) throughout the EU member states.

The NGO [Platform to Protect Whistleblowers in Africa \(PLAAF\)](#) strategically litigates and advocates on the behalf of whistleblowers, where their disclosures are in the public interest of African citizens (PLAAF n.d. a). A case of a whistleblower defended by PLAAF is that of Jean-Jacques Lumumba, who received legal protection from the NGO. Lumumba worked as the head of the credit department at the Congolese BGFI Bank and, in 2016, he exposed suspicious transactions of millions of dollars between former President Kabila's family-controlled bank and organisations with close ties to the president (PLAAF n.d. b). After his disclosure, the director of the bank threatened him with a gun to stay quiet, and so he fled the country (PLAAF n.d. b). Since then, PLAAF has provided him with pro-bono legal counsel and investigated the documents he provided to discover further corruption (PLAAF n.d. b).

Some CSOs actively republish beneficial ownership data to ensure transparency on corporate ownership to help prevent the misuse of companies to launder money from corruption. [Open Ownership](#) has produced the [Open Ownership Register](#) which collates data on the owners of companies from over 200 jurisdictions (Open Ownership n.d.). This works to overcome the limits of national registers for the use of investigators and journalists (Open Ownership n.d.). It has identified several politically exposed persons (PEPs) with connections to companies through the use of beneficial ownership registers.

As part of their 'Nigerian Data Challenge', properties owned in the UK by Nigerian individuals through overseas entities were scrutinised by a software engineer in collaboration with the NGO (De Luca and Davies 2023). They found that several

high-level Nigerian politicians owned properties through offshore companies, and that internationally sanctioned Russian individuals owned the majority share in of a Nigerian state-owned enterprise (ALSCON) (De Luca and Davies 2023). While these do not necessarily indicate these individuals are involved in transnational corruption, this illustrates how CSOs can potentially use their expertise to expose the network of offshore companies used by corrupt individuals.

[Open Sanctions](#) has also produced an [international database](#) of persons and companies that are of political, criminal and/or economic interest (Open Sanctions n.d.). The dataset enables investigative journalists and others to access information easily and cross-check the data for conflicts of interest and signs of illicit activity (Open Sanctions n.d.). Networks of investigative journalists also publish databases from leaks themselves which can be helpful for detection, such as the [International Consortium of Investigative Journalists \(ICIJ\)](#) which has produced the [Offshore Leaks Database](#) (ICIJ n.d.). 2.64 million people had used the Offshore Leaks Database to explore connections between world leaders, politicians and their relatives and associates as of 2023 (ICIJ 2023). Such databases help provide the data and evidence needed to start investigations into complex corrupt networks.

As a final example, a collaboration between Transparency International, Transparency International France and the [Anti-Corruption Data Collective \(ACDC\)](#) scraped and cross-analysed ownership information from company and real estate ownership data to detect assets of politicians accused of bribery (Transparency International 2023). They conducted a series of tests to elicit patterns and identify which kinds of companies were more or less likely to properly report their ownership and discovered that non-compliant French companies share a significant number of red flags that could indicate suspicious activity (Transparency International 2023). They also found that the majority of corporate-owned real estate remains anonymously held (Transparency International 2023). As such, they called on the French authorities to raise the compliance rates with beneficial ownership disclosure rules (Transparency International 2023).

Technical expertise and capacity building

While transnational corruption operates on an international level, localised responses are also important as they utilise the depth of knowledge that CSOs have of their local contexts and communities in both source and destination countries. This local knowledge has proven to be valuable in enhancing the effectiveness of national government responses to corruption (Transparency International 2015).

In their project [Improving Asset Recovery Frameworks in Kenya and East and Southern Africa](#), CiFAR works with other local CSOs to contribute to the asset

recovery process in their respective countries. CiFAR also advocates for CSOs that represent local populations and the victims of corruption to be involved in the negotiating, monitoring and distributing of recovered assets (CiFAR 2023).

In addition, CSOs have used their local and technical expertise to carry out analyses of their domestic frameworks include in-depth assessments of criminal justice bodies against international standards and best practices (Transparency International 2021). CSOs in Colombia, Dominican Republic, Ghana, Nigeria and Panama examined criminal justice bodies in their respective countries to help strengthen transnational investigations, criminal justice actions, and criminal justice cooperation along illicit trafficking routes (UNODC n.d. b). This project partnered with INTERPOL to complement its implementation by providing operational support to transnational illicit trafficking cases (UNDOC n.d. b).

On an international level the [Network of Experts on Beneficial Ownership Transparency \(NEBOT\)](#) is a network that exchanges expertise through bringing together academics, CSOs, journalists, obliged entities and public authorities with the goal to improve the exchange of knowledge within the network on beneficial ownership transparency (Transparency International n.d. b). Its meetings also served as a platform for cooperation between civil society actors and public-private partners to improve beneficial ownership transparency and anti-money laundering (Transparency International n.d. b). Working groups of NEBOT members also developed several papers on beneficial ownership transparency (Transparency International n.d. b).

Open Ownership also conducts peer learning and capacity building events on beneficial ownership, such as the jointly organised event with the [Stolen Asset Recovery Initiative \(StAR\)](#) in Nigeria which provided technical support to representatives of corporate registries, trust authorities and financial intelligence units from Kenya, Liberia, Namibia, Nigeria and South Africa (Ime 2023). The peer learning event delivered practical insights on how to better address challenges and mitigate risks that come with digitising company records and corporate services and addressed how to meet the FATF's requirement for countries to provide adequate and accurate beneficial ownership data (Ime 2023). Such initiatives are important to ensure that the capacity of authorities is built in order to provide transparent data.

Finally, private sector actors are also influential actors for change, as they may be responsible for bribery or offering kickbacks to foreign public officials. Therefore, building the capacity of the private sector on ethical business practices, as well as identifying non-compliant businesses is an important component in curbing transnational corruption. NGOs such as the [Partnership for Transparency Fund](#) collaborate with the private sector to promote transparency and ethical business practices. They provide technical assistance through connecting experts with local

leaders to jointly develop plans to increase transparency, host events to publish findings to advance the collective understanding on governance issues and provide analytic and advisory services on institutional development (PFT n.d.).

Enforcement

There have been successful and impactful cases where CSOs have supported and pushed for the investigation and prosecution of transnational corruption cases. [Public Eye](#) filed a criminal complaint with the public prosecutor's office in Switzerland highlighting the corrupt activities in the Democratic Republic of Congo (Public Eye 2019). According to business contracts with a subsidiary of Glencore International AG, millions of dollars had been paid to maintain good relations with Congolese public officials (Public Eye 2019). Eighteen months after their denunciation, a criminal investigation opened in Switzerland (Public Eye 2019). CSOs then wrote [joint letters](#) to the US secretary of state and the secretary of the treasury to urge that sanctions are not lifted against those involved in these corruption cases (HRW et al. 2023), showing the continued pressure that civil society places on state officials to ensure the effective sanctioning of corrupt actors. Their letter urges that sanctions tools like the Global Magnitsky program be kept credible and effective (HRW et al. 2023).

In a case of strategic litigation in the French courts, the NGOs [Sherpa](#) and [Transparency International France](#) pursued litigation in a key grand corruption case (Alicante 2019). Otherwise known as the *Biens Mal Acquis* (ill-gotten gains case), public officials in Equatorial Guinea, Congo-Brazzaville, Angola, Gabon and Chad held French-based assets (Alicante 2019). The French NGO, [Catholic Committee against Hunger and for Development \(CCFD\)](#) published [Biens Mal Acquis, À Qui Profite Le Crime?](#) a report (2009) on the proceeds of official corruption in Africa compiled with French-based activists (Alicante 2019). This report served as the basis for a criminal complaint filed by Sherpa and Fédération des Congolais de la Diaspora against the presidents of Congo-Brazzaville, Gabon and Equatorial Guinea (Alicante 2019). After a preliminary police investigation, the charges were dropped due to insufficient evidence. Finally, after criminal complaint petitions were filed by the CSOs, criminal proceedings continued which ultimately led to a trial and seizure of assets (Alicante 2019).

Since this case, there have been numerous policy responses to address the challenge of transnational corruption (NED 2022). The Equatoguinean Vice President's guilty verdict was upheld in France and as a result of the case legislation has passed in France to ensure that assets seized in such international cases would be returned to their country of origin (NED 2022). The UK has also sanctioned the Vice President and seized a number of assets (NED 2022).

Collaboration between investigative journalists and CSOs has proven to be a particularly powerful method of uncovering transnational corruption cases (OECD 2018: 4). The Global Anti-Corruption Consortium (GACC) was a project between the [Organized Crime and Corruption Reporting Project \(OCCRP\)](#), which led investigative reporting, and Transparency International who drove advocacy from investigations (Transparency International n.d. c).

OCCRP's investigation into an Azerbaijani Laundromat revealed a US\$2.9 billion money laundering operation, using Danske Bank, which was run by political elite (Transparency International n.d. c). After this, Transparency International pressured European and national policymakers with this evidence and advocated for an independent investigation into the allegations, and a year later an external investigation confirmed numerous breaches of their code of conduct and in some cases, corrupt activities (Transparency International n.d. c). In early 2024, German prosecutors brought bribery and corruption charges against two former members of the Parliamentary Assembly of the Council of Europe (PACE) that were implicated in the Azerbaijan Laundromat case (Bloss and Denis 2024). Indeed, the final evaluation of the GACC project found that on average, there were five times as many outcomes³ where OCCRP and Transparency International collaborated on an investigation compared to independent work (Brown and Miller-Dawkins 2021).

Another notable CSO intervention includes the [Civil Forum for Asset Recovery \(CiFAR\)](#), which is an organisation that supports civil society to campaign across borders to prevent public asset theft. CiFAR trains investigative journalists to report on cases of grand corruption and asset recovery, helping them to develop their stories and pitch and publish these in leading news outlets (CiFAR n.d.). For example, as a reaction to the sanctions against Russia, in 2022 CiFAR developed a consortium of investigative journalists to scrutinise the frozen assets of sanction individuals for potential infringements (CiFAR 2022). The journalists used several open data sources (including OCCRP's [Russian Asset Tracker](#)) to investigate the extent to which European governments are implementing sanctions and to document cases of economic sanctions evasion (CiFAR 2022).

In a destination country for illicit funds, [Transparency International UK](#) identified £1.5 billion worth of UK property owned by Russians accused of financial crimes or with links to the Kremlin that were held in secretive offshore companies, (TI UK 2023). In 2018, their analysis found that 1,201 different companies registered in the UK's overseas territories aided gross abuses of entrusted power for private gain, with over 90% incorporated in the British Virgin Islands (TI UK 2023). In 2023, ministers

³ Outcomes from the project are categorised as institutional action, political support, law enforcement actions, information use, commitment, individual action, corporation action, legal outcome, retaliation, legislative change, policy change and sanctions.

from British Overseas Territories and the UK government committed to improving corporate transparency, such as the establishment of a technical working group on beneficial ownership transparency and continued action to enforce sanctions against Russia (TI UK 2023).

Finally, CSOs can use pressure to re-instigate an investigation, such as the NGOs Re:Common (based in Italy), HEDA Resource Centre (Nigeria) and Corner House (UK) who filed a complaint at the court of appeal in the Hague challenging the decision by the Dutch prosecutors office to drop its investigation of Shell and Shell Management related to alleged corruption in Nigeria (HEDA, Re:Common and The Corner House 2022). The case had been dropped by the Dutch prosecutor's office as the defendant had been acquitted in Italy and claimed that double jeopardy rules prevented further investigation (HEDA, Re:Common and The Corner House 2022). Nonetheless, representatives from the NGOs stated that there are 'overwhelming suspicions of criminality' and 'there is public interest in reopening the investigation' (HEDA, Re:Common and The Corner House 2022). 2022 Phase 4 review by the OECD Working Group on Bribery found that the country is no longer in compliance with its international law obligations under the Convention, specifically citing this case. Cases such as these show the importance of CSOs in ensuring that corruption cases are given sufficient attention and providing a voice to represent public interest.

The enabling conditions for success

An enabling environment is essential for CSOs to fulfil their roles as watchdogs, drivers of policy change, and for them to produce evidence and to help with corruption investigations. The conditions that facilitate this work fall broadly under two categories: 1) the wider protection of civic space and a regulatory environment which allows CSOs to conduct their work, and 2) specific conditions that support anti-corruption interventions. The enabling conditions provided in this section can be provided and facilitated by primarily the state (through legislation, regulation and respect of wider democracy), donors (through different funding opportunities), and CSOs themselves.

Protected civic space

The importance of ensuring an independent civil society requires states to play a proactive role in supporting civil society and respond to shrinking civic space (European Civic Forum 2019). States should also promote and commit to a meaningful and transparent dialogue with independent civil society at all levels of engagement (European Civic Forum 2019). A lack of coherent legal regimes can disrupt the work of CSOs as these may leave scope for laws and regulations to be politicised and selectively interpreted at the discretion of political leaders and public officials (Firmin 2017). In some countries, governments require complex and expensive registration of CSOs, which can also be used to their detriment. Some governments insist on CSOs' work being aligned with their own priorities and programmes, which also undermines their independence (Firmin 2017).

The Open Government Partnership (OGP) categorises the commitments (from initial to innovative) needed from governments to overcome these issues and to provide an enabling environment. These categorisations can help to create a flexible framework for promoting an enabling environment (and are based broadly on the current progress of most OGP member countries in the area):

Table 1: Commitments (through law, regulation and practice) to promote an enabling environment for CSOs (OGP 2018)

Initial commitments
Allow unregistered organisations to operate freely.
Register CSOs within set time limits, only denying registration on clear grounds that are legitimate under international law.
Make suspension or involuntary dissolution of a CSO a last resort only done by independent courts on clear grounds that are legitimate under international law.
Intermediate commitments
Make registration of a CSO quick and easy.
Allow access to international resources.
Provide safeguards against the undue supervision of CSOs.
Ensure that CSOs can easily access basic tax exemptions.
Promote impartial, apolitical and consistent application of laws and regulations that affect CSOs.
Advanced commitments
Provide tax benefits and other incentives to promote donations to CSOs.
Establish mechanisms for a wide range of COSs to access government grants and contracts.
Establish a strategy for the development of the CSO sector and CSO–government relations.
Bolster CSO engagement in all levels of government decision-making.
Innovative commitments
Establish advanced resourcing and support mechanisms for CSOs.
Establish a notification procedure for registration.
Strengthen privacy protections of CSOs and their affiliates, particularly with regard to communications over ICT.

Sustainable funding

The Transparency and Accountability Initiative (TAI) is a donor collaborative of funders and their evaluation report on beneficial ownership transparency projects provides insights into the enabling factors of their grantee partners' success (TAI 2021). In the TAI survey responses⁴ regarding the types of funding provided, grantee respondents to their survey ranked project grants as 'very critical' about specific beneficial ownership transparency outcomes (TAI 2021: 21).

On the other hand, core funding was seen as particularly critical for the convening and coordinating bodies that worked on strengthening coordination across CSOs (TAI 2021: 21). Respondents to the TAI evaluation also highlighted the importance of funders' technical knowledge, given the niche nature of beneficial ownership transparency, as particularly important in achieving outcomes (TAI 2021). This shows that requirements for funding depends on the type of role and intervention that CSOs play. Most importantly, long term funding ensures that CSOs have the time and capacity to leverage enabling factors and take advantage of external events (e.g., political climates, scandals, global movements and local opportunities) (TAI 2021: 8).

Other best practices include ensuring the independence of donor agencies from political interference, equal treatment based on non-discrimination towards applicants and clear reporting requirements to ensure accountability and impartiality during the awarding of public funding (Skoric 2020). It is important that donors use knowledge from local advisers to ensure non-discrimination and guarantee that grant-making assumptions are not based on a Global North perspective (Hewlett Foundation 2022). Pre-existing beliefs should be dismantled through engagement with local advisers and community experts (Hewlett Foundation 2022). This is particularly pertinent considering the importance of including national CSOs from source countries in particular in countering transnational corruption.

Open data

As seen in the previous section, for CSOs and their partners to conduct investigations and generate evidence they need access to certain types of data to spot 'red flags' which indicate transnational corruption. Open data strengthens the role of CSOs as

⁴ The grantee partners include CSOs that work on anti-corruption and accountability issues such as Open Government Partnership (OGP), Financial Transparency Coalition (FTC), Publish What You Pay, Global Witness, Transparency international, Tax Justice Network, ONE Campaign and others (TAI 2021).

watchdogs and helps to expose governmental misconduct. This means timely and accessible information government-maintained records which include:

- Company registration and ownership records (beneficial ownership registries)
- Procurement and government contracts
- Public and private financial information
- Civil and criminal litigation and case files (Sharma et al. 2020)
- Land registries
- Sanctions lists (UNCAC Coalition 2023 b).

Entry points to intergovernmental organisations and global fora

The opportunities for civil society to engage with decision-makers and to carry out activities is closing in many countries (see CIVICUS Monitor 2023). Some states might even extend their repressive policies at the national level to international spaces, using international platforms such as the UN to neutralise criticism (ISHR n.d.). In 2023, for instance, CSOs were excluded from participating in the 10th session of the UNCAC Conference of the States Parties (CoSP) due to objections from Turkey (later withdrawn) and Azerbaijan (Transparency International and UNCAC Coalition 2023).

Where participation for CSOs is restricted, multilateral forums that address transnational corruption may lose the valuable knowledge and experience that these organisations have in countering corruption, which poses a threat to the anti-corruption movement as well as potentially vilifying civil society itself. As recommended by Heinrich Böll Foundation, states should therefore advocate for international organisations, fora and negotiation processes at an EU and UN level, as well as specific attention being given to include marginalised and discriminated groups and CSOs (Heinrich Böll Foundation et al. 2017).

Funders of CSO anti-corruption work also play an important role in ensuring that excluded populations are included into policy decisions in these spaces (McDonough and Rodríguez 2020). The TAI evaluation report notes that funders (including bilateral development agencies) provided grantee partners with such entry points to decision-makers. In Nigeria, MacArthur and Open Society Foundations, as well as Open Society Initiative West Africa, had access to key political actors in Nigeria's government and brokered direct diplomatic engagement and support to key actors

such as the Head of the Companies Activities Committee (a key governing body) (TAI 2021: 24).

Collaborative international networks also help to ensure that CSOs are consulted for their expertise and included in the global fora. An example of this is the [EU Network against Corruption](#), which brings together state officials, international organisations such as the OECD and UNODC, civil society such as Transparency International EU and the Basel Institute on Governance, the European Public Prosecutor's Office and European Ombudsman (EC 2023). This network facilitates exchanges of expertise on anti-corruption topics and share insights, as well as synergies between actors across different countries (EC 2023). This ensures that state officials and intergovernmental bodies are in direct conversation with civil society.

Strategic litigation for anti-corruption

Strategic litigation is an approach undertaken by CSOs with the aim to deliver systemic change for all (Lemaître 2023) and has been used in several of the earlier examples by NGOs such as Sherpa and Transparency international France. CSOs can either initiate the case (by submitting a complaint to the prosecutor's office) or join an ongoing investigation as a civil party. Strategic litigation helps to overcome the reluctance of public prosecutors who may not be willing to open an investigation, or who may face pressure not to investigate (Lemaître 2023). Strategic litigation it is still relatively underutilised in anti-corruption (Lemaître 2023).

In many countries, the legal environment makes it particularly difficult for CSOs to pursue strategic litigation. CSOs must demonstrate they have legal standing (that they have the right or capacity to bring an action or to appear in a court in a corruption-related case) or show that they have suffered damage from the corruption (Lemaître 2023). Litigation is also costly, and cases can take years before a final verdict is reached, so getting funding for strategic litigation activities is challenging (Lemaître 2023). Finally, CSO staff face threats, intimidation, arrests and other smear campaigns, as well as corrupt officials abusing legal actions to fight back (Lemaître 2023).

Some jurisdictions (such as France) have granted legal standing to CSOs, yet most have not, and some have even abolished the mechanisms allowing strategic litigation (Lemaître 2023; Jeßberger and Steinl 2022). While there are some critiques of strategic litigation (such as their potential to undermine undercover investigations (Jeßberger and Steinl 2022)) they are still an important tool in countering transnational corruption. Therefore, it is important that CSOs are given a legal standing, donors are considerate of the lengthy timeframe of strategic litigation (and

continue funding their work despite longer timelines), and that the state provides additional protections for CSO staff who are involved in such cases.

Initiating asset recovery

In many countries, the legal standing to pursue asset recovery is also restricted, meaning that only those who have directly been harmed are able to pursue asset recovery (France 2023). Given that corruption schemes (particularly transnational corruption schemes) affect society more widely, if the would-be plaintiff may only be a direct victim of the defendant, then this restricts the ability of others (such as CSOs) to pursue asset recovery (France 2023). Some countries have more relaxed laws regarding this, and citizens can bring forward lawsuits if it is in the issue involves the public interest (France 2023). Therefore, it is important that a country have laws which allow individuals or organisations to pursue asset recovery in the name of ‘public good’, which would provide CSOs with the ability to do so in corruption cases (France 2023).

The freedom of press

Investigative journalists are important partners to CSOs in their work countering transnational corruption. Therefore, freedom of press and protection of journalists should be ensured for this partnership. [Reporters Without Borders \(RSF\)](#) document that, currently, in seven out of ten countries, the environment for journalism is rated ‘bad’ and growing animosity from governments towards journalists is a major obstacle (RSF 2023). The biggest reduction in press freedom was in African countries (RSF 2023), a continent that is particularly affected by corruption and low levels of public integrity (Mungiui-Pippidi 2022). Media budgets that are dedicated specifically to investigative journalism have been increasingly restricted (due to the corporate management of the media promoting profit) (Munoriyarwa 2018; Saldaña & Mourão 2018) and the rise of constraints on investigative work have undermined their autonomy and assertiveness (Karadimitriou et al. 2022).

Investigative journalists are often threatened as a result of their work, including uncovering instances of corruption (Article 19 n.d.). They face threats, surveillance, attacks, arbitrary arrests and detention, and enforced disappearance or killings of journalists (Article 19 n.d.). Recently, there has been an investigation against three Italian journalists who received confidential documents from a public official and published the information on the conflict of interest of public officials and their links to the arms industry (Article 19 2024). The journalists are facing up to five years in prison for breaching confidentiality as a result (Article 19).

The OECD (2018: 8) therefore recommends that whistleblowers, as often the first source of information for journalists reporting on corruption stories, should be protected through robust whistleblower protection frameworks. Freedom of information (FOI) laws also provide citizens access to information held by government agencies and help investigative journalists to conduct their work (OECD 2018: 11). Finally, specific laws ensuring the freedom of press and freedom of expression are important to ensuring investigative journalists can conduct their work safely and effectively (OECD 2018).

Civil society partnerships

Cross-national coalitions of CSOs help facilitate dialogue between CSOs in different countries to exchange information and expertise. National CSOs based in both the source and destination countries for laundered funds can collaborate on investigations and conduct joint advocacy together. It is also important for cross-national networks to connect with national in-country networks to provide in-country expertise on national legislative or regulatory processes (Guerzovich, Gattoni and Algosó 2020). More generally, civil society coalitions are important as they help to speak with one voice to address a common policy issue, share resources and build each other's capacity, share experiences, lend greater legitimacy to proposed solutions, and reduce the duplication of activities across the field (Sharma et al. 2020). Donors can ensure that such collaborations are integral to achieving anti-corruption outcomes when deciding on funding mechanisms (TAI 2021).

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U4 is part of the Chr. Michelsen Institute (CMI), an independent development research institute in Norway.

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