

Chapter 16

Transparency, Information, and the Role of the Media

Sunshine kills germs. —Anonymous

TRANSPARENCY IN PUBLIC ADMINISTRATION

Neither voice nor exit mechanisms can operate if the people do not have the relevant information. When the public does not know who makes administrative decisions and how, its only voice will be through anomic public protests. And if deprived of access to information about public service delivery, the citizens will withdraw completely from public provision. As emphasized throughout this book, transparency is one of the four pillars of good governance, and information is the lifeblood of efficient economic activity as well as of a good relationship between a people and their government.

Transparency in public administration means that relevant information is made available to the general public in usable form, and that government regulations and decisions are clear and adequately disseminated. Transparency is a prerequisite for genuine accountability and reinforces predictability. Inefficiency and corruption thrive best in the dark, and the capacity to press for change from outside government requires a public with adequate information on the activities and standards by which to judge the performance of public services.

Public administration traditions are steeped in confidentiality and secrecy. Large organizations, public or private, have a reflexive tendency to withhold information, and administrative rules often reinforce this tendency. Often, lines of communication are closed even within government agencies and between them. Information withheld becomes an instrument of bureaucratic influence, and is thus treated as a quasi-private asset of the individual or of the small group that produces or possesses it. This is especially

the case in vertical hierarchies with little external accountability. Whatever its origin or justification, the habit of withholding information eventually becomes a cover for arbitrary or wrong exercise of authority, dishonest transactions, and bad procurement decisions. It is often said, echoing Lord Acton's dictum, that power corrupts and absolute power corrupts absolutely. Power over information is as corrupting as power over people. In contrast, transparency helps to build open and accountable government, and to inhibit corruption among public officials. Transparency in public administration has two main aspects: public communication and citizens' right of access to information held by government.

PUBLIC COMMUNICATION¹

The data that the government produces, and the rules and regulations that it enacts, are too vast and varied for any individual citizen to know. Government also holds masses of information on both individuals and business, ranging from vital statistics and taxes to health and education. Government agencies have the monopoly of certain types of data such as the population census, police and land records, and legal information. Transparency thus entails more than simply making the vast mass of information available. It requires a genuine willingness on the part of government to communicate, and genuine efforts to do so effectively.

Public communication is the practical expression of open government. It lends visibility to the performance of all agencies, and addresses the problem of unequal access to information by different sectors of the population. Realistic public expectations and confidence in government are sustained by trust in the accuracy of the information used and provided by government. In many countries, the laws mandate the types of information that should be made available to the public, including decisions affecting individuals and groups, rules and regulations, and department activities. The different categories of information to be provided to the public include:

- Information about government as a holder of data—what records are maintained, and how is their accuracy ensured?
- Information about government as a business—how much does it spend, on what, why, and with what results?
- Information about government as a service provider—what services are available, at what price and quality, and how are they to be secured?²

Open public communication has to contend with the longstanding bureaucratic practices noted earlier and, in many countries, with legal constraints. Often, unauthorized disclosure of information to outsiders makes both the communicator and the holder of such information liable to severe punishment, through “official secret accounts” or similar laws. Administrative discretion typically holds sway in classifying records according to different degrees of confidentiality. One African country treats even the directory of government officials as confidential, whereas an increasing number of countries makes the names and telephone numbers of senior officials available on the Internet.

A critical aspect of public communication, particularly in developing and transition countries, is the opaque budgetary process. The complicated and often arcane presentation of the budget inhibits informed debate and effective scrutiny by the legislature or the media. By contrast, the UK encourages open discussion of budgets in local government; and in some cities in Brazil, local budgets are built from the bottom up, out of the demands of the citizen; in the US, India, and South Africa, NGOs are encouraged to analyze the allocation of public funds to areas of specific interest to the poorer and weaker groups, and to publicize their findings. The best answer to budgetary opaqueness, however, is not to assist citizens and groups in deciphering inscrutable budgets but to compel the government to present financial information in ways that are clear and accessible to ordinary citizens. Fiscal transparency of this sort is perhaps the strongest single aspect of the administrative reforms introduced in New Zealand in the early 1990s.³

As noted in Chapter 1, however, transparency is a relative, not an absolute, concept. There are competing rights to privacy, and a legitimate role for confidentiality in government. For example, free and frank discussions in the highest policymaking forums or independent advice on sensitive matters must be confidential (Chapter 2). Disclosure would drive such discussions underground, with serious risks for healthy governance, and the formal record would still contain no information of any substance or value to the public. However, strict criteria can be specified for deciding the type of confidential interaction and transactions. In any event, disclosure should be the rule rather than the exception: all government information should be open to the public except when otherwise specifically provided for good reasons and on the basis of clear criteria. Hence, even when the information itself is confidential, the *criteria* for keeping it confidential must be public and transparent.

Public communication through the Internet is becoming widespread, and the public has enormous information at its fingertips. However, developing countries are constrained by low ownership of computers and limited capacity to sift through vast amounts of information. Greater use of information technology overall may thus heighten the inequality of access to information, both between developed and developing countries, and within countries. There is here an important role for the government: services can be offered on-line to the public, using the network facilities of post offices, district agencies, and telephone companies. Single-entry point or single-window (information kiosk) channel information services to client groups, from various agency sources. Also, community information centers, which provide low-cost access to on-line services through franchise providers, offer a way of reaching poor citizens. This has been attempted in some developing countries, and deserves active government and donor support. (See Chapter 18 for a discussion of information technology and public administration.)

The availability of more information or improved information technology, by itself, does not guarantee its use, especially if educational levels are low or the citizens cannot access basic services and engage in economic activities. The people may also not be interested in information when they feel alienated from the political process or have come to believe that their participation does not count.⁴ People must therefore be informed about the existence of information on different topics, and convinced of its usefulness. Of course, the information must *in fact* be useful and in usable form. In many cases, citizens lack of interest is rational, insofar as the information is not relevant to them or because they are not in a position to take advantage of the opportunities.

In many developed countries, and in most developing countries and transition economies, the management of public records needs considerable improvement. Government agencies should have the legal obligation to define, classify, and preserve official records, and to specify the time limit beyond which the records will be publicly disclosed on request. Equally important is the task of preparing the documents for public inspection in intelligible language, without jargon. All these activities are costly and time-consuming, and require constant follow-up. Therefore, as in the case of client orientation initiatives discussed in chapter 13, selectivity is mandatory. Improvement and disclosure of public records, especially in developing countries, should focus only on areas where the benefit of disseminating the information is demonstrably greater than the cost of doing so. These

benefits and costs differ in different countries, but budget and procurement are two areas where better records and disclosure would be beneficial virtually everywhere.

The public communication function of government has traditionally been equated with propaganda for its activities, and with the provision of sanitized information on government decisions. Some governments have deliberately used the public information office to mislead, and this continues to some extent in developing countries without fully independent and capable media. Good governance as well as technological trends clearly call for a recasting of this traditional role of the public information office in government in the context of the broader move toward transparency.

There is a need for professional public information officers at national and subnational government levels, with four major functions:

- disseminating reliable information to the public;
- developing a climate of trust between the government and the citizens through openness and honesty in all communications and courteous treatment of all citizens;
- providing guidance and training to all government officials and elected representatives in communication skills; and
- continuously monitoring public opinion and disseminating the findings within government.

These functions require a two-way exchange of information with citizens and civil society, and the active involvement of public information officers in mobilizing citizens to participate in dialogues on key issues. To complement the relaxation of controls on government media and popular exposure to new print and electronic media, governments interested in a more effective public information function should improve their relations with the outside media. A continuation of the traditional censor-and-regulate approach can only undermine the credibility of official communications. Better relations with the media may include: improved relations with journalists and better-packaged information; honest and unambiguous messages, especially during crises; stronger coordination between policy advice and press relations functions; and alternative mechanisms for disseminating information to the public. As governments become less monolithic, both at the central level and across geographic levels of government, the risk of ambiguity or incoherence becomes greater,

and the coordinating role of the central government information office (in consultation with line ministries) correspondingly gains in importance.

The right of citizens to have access to information from governmental bodies on request includes:

- personal information about themselves;
- nonpersonal information held by the government that does not endanger national security, law enforcement, free trade, or the rights of privacy of others; and
- information disseminated by the government on its own initiative.

There are important differences between the access rights of citizens and the public communication role of government. Individuals who request access to information must choose and specify which documents they need. Such access can help in monitoring the exercise of authority by government, but presents a challenge for most citizens. Hence, in areas where access rights are not effective, active public communication is necessary to convey the relevant information to citizens. This is particularly true in developing countries, with their larger numbers of poor and less literate persons. Access rights and public communication are therefore complementary: the government is required to only assume a passive role in the former, but must be proactive in the latter.

Most developed countries (Australia, Canada, France, Ireland, Netherlands, New Zealand, US, and the Scandinavian countries, among others) give citizens and organizations the right of access to government records outside specifically exempted categories, through freedom of information legislation, passed during the last 20-30 years. Such legislation has been enacted at the subnational level as well in some countries, such as India and the US. Codes of practice for access to information exist in countries like the UK, despite the continuation of the Official Secrets Act (Box 16.1). Many countries with laws on official secrets plan to amend these laws to provide broader access to information. Judicial decisions in many countries have fully supported the citizens' right to information, and have helped curb the tendency of the executive branch to withhold records without justification.

Box 16.1

Protecting the Right to Information in South Africa

The Open Democracy Bill has had a long and contentious path through the legislative process in South Africa. It has taken four years from the initial concept to the drafting of a Bill that entrenches the freedom of information. Initially endorsed by all political parties, business and civil society groups, the late inclusion of government rights to information led to the withdrawal of support by opposition parties. While there was a consensus on the purpose of the legislation, difficult implementation issues gave rise to intense debate.

During this time, the Bill has been refined and streamlined from an ambitious Bill that tried to encapsulate broad issues of open democracy to a Bill that focuses on the right-to-information enshrined in the Constitution. For example, the section of the Bill designed to offer protection to whistleblowers of corruption, as well as issues of privacy, have been hived off into separate legislation. The resultant Bill, likely to be renamed the Access to Information Act, is intended more narrowly to promote transparency of organs of government by requiring them to disclose relevant information.

Although primarily designed to protect the rights of citizens to access information held by the State, the Bill also provides for the right to access and correct personal information in either the public or private spheres and for the right to information held in the private sector, when such information is required for the exercise and protection of any rights. In this regard, the Bill sets an international precedent, as freedom of information (FOI) legislation is generally confined to information held in the public sector, as explained in the text.

As in FOI legislation in other countries, some information is provided routinely and without charge; other information is available on request and on payment of a fee. Government and private bodies are required to publish manuals stating the categories of information that they hold and how the information can be accessed. The Bill provides for mandatory disclosure of information that is considered to be in the public interest. The definition of public interest includes contravention or failure to comply with the law, public safety, and environmental risk and open, accountable, and participatory administration. Grounds for refusing access to information include the protection of personal privacy, information supplied in confidence by a third party, or information that is considered sensitive for commercial or security reasons.

Source: Laura Walker, personal communication (May 2000).

Box 16.2

Openness in Executive Bodies in the UK

Access to Information

A specific code providing access to information should be in place, with clear and published procedures, including:

- Well-defined criteria for information to be withheld, which should be cited whenever a request for information is denied;
- Standards for speed of response to inquiries;
- A mechanism for appeals within the organization, and then to another independent body; and
- A policy for charging appropriate fees providing the information.

Meetings

- Meetings should be open to the public, with minutes available for public inspection, and key decisions publicized in newsletters, etc.;
- A well-publicized annual general meeting should be held, open to the public and the media, allowing them to question board members on the performance and activities of the body; and
- Forums should be established for consumer groups or users, or public meetings on major issues, to involve and inform the public and organizations with a major interest in the issue at hand.

Publications

- The entity should produce annual reports and accounts, containing information on the role and mandate of the body, its long-term plans, board membership, performance against key targets, and targets for the forthcoming year;
- Routinely publish important information, such as key statistics, salaries of staff, results of consultations, major procedures (including criteria for allocating public funds), and reports of regular investigations; and
- All publications should be made as widely available as possible, through public libraries and similar facilities, and all annual reports and accounts should be deposited in the library of Parliament.

Source: Government of UK (1995).

The laws on freedom of information (FOI) reverse the traditional presumption in favor of official secrecy. Such legislation enables any person (sometimes not even citizens) to request information from government, its agencies, or nonministerial public bodies. FOI laws normally extend to all bodies substantially funded or controlled by government (local authorities, the judiciary, the legislature, state-funded educational institutions, and private organizations that carry out statutory functions) and apply to current or past records maintained in any format, including electronic.

FOI laws set time limits within which the information request should be granted or refused, and require written communication of refusals, along with the reasons. A fair and reasonable system of charging the requesters for the cost of assembling and transmitting the information is provided, as the taxpayers at large should not be made to pay for the information interests of an individual, on the same principle as charging users of public services. A government agency must decide to release or withhold information only on the basis of its nature and content, and not on the basis of the identity of the requester or the use to which the information might be put.

Administrative and judicial remedies are available to those whose requests for information have been denied. In case of final administrative denial, the law typically grants the requester the right of appeal to either a court of law or an independent authority, such as an ombudsman or an information commissioner, if one exists. The court or the independent authority then reviews the proceedings and either sustains the withholding of the information or issues binding orders to the government agency to release the record. In keeping with the basic premise of FOI legislation, the burden of proving why the information should be withheld falls on the government agency, and not on the requester.

As noted earlier, the legal framework in all countries exempts from disclosure certain categories of information. These usually relate to national defense or foreign policy; internal cabinet documents; personnel and medical files; privileged or confidential financial or commercial information; law enforcement; information that will prejudice the management of public services; information that may result in the breach of a court order or parliamentary privilege; and personal privacy information.

Available evidence shows that the enforcement of FOI laws entails significant costs, which may or may not be matched by commensurate benefits to ordinary citizens. Requests under FOI legislation have therefore tended to come from organized business, seeking data for competitive purposes, and from interest groups, rather than from individual citizens. The law has occasionally exposed to public scrutiny even the personal correspondence of government ministers; on the other hand, officials have also been known to hide behind FOI exemption provisions to deny even innocuous information to citizens. Generally, however, in developed countries, the media have used FOI legislation to get relevant information on government decisions and activities and publicize it, thus making the government more accountable.

Considerable preparatory action is needed in any event to implement the law effectively and to process requests promptly. This may stretch the administrative capacity, recordkeeping abilities, and budgets of poor developing countries, as anyone familiar with government offices in poor countries, with their rooms full of files in cardboard boxes, will readily understand. Inadequate preparation, and the failure to install the necessary regulatory and organizational framework, undermines the credible enforcement of information disclosure requirements. Within the Organisation for Economic Co-operation and Development (OECD), the access of citizens to government-held information shows considerable variation between countries, motivated in part by concerns to weaken the competitiveness of government vis-à-vis other countries with more restrictive information laws. All these issues are forcing a rethinking even in countries that launched the movement for legal rights to government information. At the same time, it remains certainly true that excessive secrecy has been a major reason for the declining trust of people in their government.

The issue is therefore very complex, and no universally applicable conclusion can be reached. Fortunately, FOI legislation is not the only option, and other routes to better information flows exist. For example, governments could enact codes of practice on public reporting and access to information, and independent citizens' bodies could monitor the process; laws and regulations that prohibit disclosure of information can be amended to make disclosure the norm rather than the exception; government personnel can be given incentives to disclose information and disincentives for unwarranted secrecy; service providers may be required to specify their standards of service and to make this information easily accessible to the public; etc. Any of these measures can improve the transparency of public administration, short of adopting a full-fledged FOI law.

Most of the useful information in the hands of government is nonclassified and nonconfidential anyway. Therefore, more than the disclosure of confidential information, the practical issue is how the existing rights of access to available information can be made more effective. With improved records management, and wider use of information technology, relevant information can be made available through easily accessible mechanisms, including local outlets in all public offices in countries with dispersed settlements, high illiteracy, and a low level of computerization. Also, as noted in the previous section, the traditional role of government information officials should evolve from merely publicizing government

achievements and creating photo opportunities for high officials, to providing positive support for an open information policy in government. Access to information can be promoted in village councils, municipalities, and other elected bodies, through open meetings, newsletters, wall posters, open hearings, and other effective local channels. Nevertheless, government outreach cannot be a substitute for aggressive, professional, and independent media—a subject to which we now turn.

ROLE AND RESPONSIBILITY OF THE MEDIA⁵

Even a democratically elected and benign government can easily be corrupted, when its power is not held in check by an independent Press.
— Henry Grunwald

Nature and Role of the Media

Role of the media

The role of media is important as a feedback, exposure, and conduit mechanism in all countries. Most citizens receive their information about what is going on in the government, and how it affects them, through the filter of the media. The sheer deluge of information in modern society makes it impossible for even the most diligent citizens to keep track of all the events, or to take advantage of their access to information in all the public agencies and government organs. An alert and professional media is essential to communicate, in a fair, responsible, and understandable form, information about the activities of government and how they might affect the people. Conversely, governments rely to a considerable extent on the media to receive feedback and assess public opinion on their policies and programs. Finally, the media have also played a traditional watchdog and gadfly role, in investigating misbehavior by politicians and officials and private business, a role traditionally summarized as “comforting the afflicted and afflicting the comfortable.” The media is thus a crucial instrument of accountability, in addition to being an instrument of communication. A free press and free media rank along with an independent judiciary as one of the two institutions that can serve as powerful counterforces to corruption in public and private life.

“Old” and the “new” media

The traditional old media are newspapers, magazines, and radio. Together with basic television news, these continue to be dominant in many developing countries. In particular, radio continues to play an important role in informing and educating the citizenry. It is a cheaper and more universal tool for reaching the people in countries where television has not spread to the rural areas and remote regions. Instances of innovative use of radio are the noncommercial public broadcasting programs, local radio channels for public communication, and open university and other school and skill instruction programs. In many developing countries, radio is also the main medium for reaching the population in emergencies. Countries like India are devising new uses for the radio: district channels, community radio stations, and ham radio links to district offices.

The term new media has been coined (Davis and Owen 1998) to describe new types of mass communication, such as talk radio, television news magazines, print and electronic tabloids, the Internet, and computer networks. The new media, in turn, can be categorized on the basis of whether they employ old or new technologies. New media that employ old communication technologies include talk radio, TV talk shows, and news magazines. New media based on new technologies include electronic town meetings, electronic tabloids, cable broadcasting, and, of course, the Internet. The new technologies have infused communication with new immediacy, so that the public can receive and send out messages with an ease and speed unimaginable only a few years ago. Some argue that at the close of the century the possibilities have barely been scratched. In many developing countries, of course, the reach of new media is largely confined to the urban areas, and to the better-off and more literate sections of the population.

The new media, including the Internet, offer higher opportunities for interaction with the public, and a significant potential to educate, facilitate public discourse, and enhance public participation, beyond the time and space constraints of traditional media. In addition, new media technologies easily bypass national and international boundaries, thus bringing citizens of each country into contact with diverse cultures and distant events to an extent that was not imaginable earlier—a key dimension of globalization (Chapter 1).

At the same time, the role of the new media for education is incomplete and sporadic, and its very speed encourages a slide toward the superficial. The quest for ratings and profits in a competitive industry means that speed is often more important than accuracy. The sheer mass of information, and the mix of the useful and the irrelevant, calls for skills and new technology to sift through the material to make it useful even for public agencies, not to mention for ordinary citizens. This limits the utility of new media even in developed countries. Also, while commercial considerations drive both the mainstream press and the new media, the former has a historical ethos of public service, grounded in the professional norms of journalism. Considering the many instances of manipulation of the new media for political and business considerations, it is not clear whether the ethics of the traditional print and radio media will transfer to the new media as well. This is a vital challenge for civil society in all countries and for global organizations as well, especially considering the risks of the new communication technologies in the hands of unrepresentative or oppressive regimes.

Freedom of the Media

The degree to which the media is truly independent is the degree to which it can effectively scrutinize the conduct of public officials and release uncensored information to the public. Mass media organizations (press, radio, and television) tend to be weak in many developing countries. In most countries, radio and television were government monopolies when they were first set up, and continue to be under state control. It is only in recent years that the private sector has been allowed entry into radio and television, but government still dominates. By contrast, the print media in most countries has been generally private, although some newspapers are published by government-owned or government-sponsored agencies. The problem in many developing and transition countries is not so much the nature of media ownership but a long tradition of censorship, whether overt or self-imposed.

Curbing the media through regulation is not a proper approach to securing the professionalism of the media. Governments should not act on the premise that the interests of the media ought to coincide with those of the party in power and the bureaucracy. Indeed, if the media attempt to redefine the political agenda, it is a sign that the government is failing to communicate its own agenda, or to share accurate information with the media.

Advocates of transparent government have been demanding that governments should consider a basic set of principles to govern the freedom and independence of the media (Transparency International 1996):

- Laws and practices limiting the right of the news media to gather and distribute information should be kept to a minimum;
- Government authorities, national and local, should not interfere with the content of print or broadcast news, or access to any news source;
- Independent news media should be allowed to emerge and operate freely in all countries;
- Government should not discriminate in its treatment, economic or otherwise, of the news media, public and private;
- The independent media should have unrestricted access, at par with the official media, to all material and facilities necessary to their publishing or broadcasting operations, including newsprint, printing facilities and distribution systems, broadcast frequencies, and satellite facilities;
- Fiscal and financial practices should not inhibit the free flow of information;
- There should be no restrictions on free entry into the field of journalism or on its practice, except for professional certification; and
- Journalists should have security and full legal protection.

These principles may require some fine-tuning and modification in developing and transitional countries, especially where ethnic tensions or centrifugal forces are at work. Legitimate restrictions on the freedom of the media stem mainly from the protection of the rights and reputation of individuals and groups, the prevention of actions that could inflame communal and religious feelings, and matters of national security. (For example, the newspapers and radio in Rwanda played a major role in inciting the tragedy of 1994.)

Also, libel laws exist in all countries, since individuals need to be protected against defamation by the media. Sometimes, officials could also be intimidated by the media into abusing their authority in order to benefit a private person, and should be able to take the matter to court. However, it is the judicial system, and not the administration, that should be the arbiter of the standards of privacy relative to the freedom of the press.

As implied in one of the principles listed earlier, the independence of the media can be threatened without overt censorship, by the exercise of the

power of government over the allotment of scarce resources such as newsprint, access to loans, or infrastructure and land. Such influence extends to overt inducements to news channels and journalists in the allotment or withholding of advertisement, in order to encourage favorable reporting. Sometimes, the media are selectively used by members of government to “leak” information, with various motives.

In addition to government in influence, the domination of the published and electronic media by a few big companies or persons is a genuine threat to the free flow of information in all countries, and to the emergence of smaller operators. The poor financial situation of many regional and national newspapers could make the owners and the journalists dependent on large corporations for advertisement and other support, and lead to the erosion of their independence. Entry barriers for independent media outlets should be removed, and to the application of antimonopoly principles to the media.

Responsible Media

Media responsibility and self-regulation

Media accountability is a critical issue in all countries, and the media itself can often be a source of passive or active corruption. Checks and balances on the role of the media should not come from government, and can therefore take two main forms: self-regulation, and cultivation of a more critical public. While the private media is guided by commercial considerations, it should also respect the public interest and professional and ethical principles. If the information media start competing with the entertainment media for market share, the “infotainment” phenomenon will eventually erode the credibility of the news media among the citizens. By focusing on scandal, fabricated crises, and prurient mass appeal, the media can aggravate the decline in confidence in public leaders and institutions, and fail to perform its essential role of informing the public and holding the government accountable for policy and substantive decisions. In turn, when governments are forced to react to a cacophony of rumors, the urgent supersedes the important, and instant decision making prevails over considered policy formulation.

One way of guaranteeing the independence of the media while inducing them to be responsible, is allowing the media themselves to make collective judgments and to effectively regulate the behavior of their members, but with external scrutiny. This is the logic behind setting up autonomous press councils in a number of countries. These councils, consisting of independent

persons of integrity, can provide an open forum for complaints against the media by the public, and chastise the press and other media when they are irresponsible or lapse into sensational and salacious reporting or unwarranted invasion of privacy. Press councils should have the prestige and credibility needed to give their reports strong moral force and nurture the development of media standards. These councils could work with the government in developing common approaches to independent reporting, consistent with agreed ethical and professional standards. In sum, the old motto of the New York Times still provides a healthy guideline: “all the news that’s fit to print.” A more elaborate set of principles have been formulated by the British Commission on Press Complaints (Box 16.3).

Box 16.3

Code of Practice Enforced by the British Press Complaints Commission

The British Press Complaints Commission is charged with the enforcement of the nonstatutory Code of Practice, which was framed by the newspaper and periodical industry. The following are its main provisions.

Accuracy

Newspapers and periodicals should take care not to publish misleading or distorted material, and to correct promptly any incorrect reporting and, where appropriate, issue an apology to the parties concerned.

Opportunity to reply

Individuals and organizations should be given a fair opportunity to reply to inaccuracies.

Comment, conjecture, and fact

Newspapers, while free to be partisan, should distinguish clearly between comment, conjecture, and fact.

Privacy

Intrusions or enquiries into individuals’ private lives (including the lives of people in hospitals and similar institutions) without their consent are generally unacceptable. Publication can only be justified in the public interest, to expose crime, expose serious antisocial conduct, protect public health and safety, or prevent the public from being misled by the actions or statement of an individual. This restriction covers interviews with or photographs of children, the identification of children under 16 who are charged with sexual offenses or are victims of sexual assault, and intrusion into personal grief.

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Box 16.3 (cont'd.)

Misrepresentation

Journalists should not obtain information or pictures through subterfuge or misrepresentation, except in the public interest, as mentioned in the previous item.

Harassment

Journalists should not obtain information or pictures through intimidation or harassment.

Discrimination

The press should avoid prejudicial or pejorative reference to a person's race, color, religion, sex, or sexual orientation, or to any physical or mental illness or handicap.

Financial journalism

Journalists should not use for their own profit financial information they receive in advance of publication.

Confidential sources

Journalists have a moral obligation to protect confidential sources of information.

Source: *Her Majesty's Stationary Office, UK (1994)*.

The independence of the media also implies the responsibility of the media owners to observe the principles of independence *within* their organization. In the pursuit and practice of their profession, journalists and editors should be free of any form of interference not only by government, but also by their employer. Civil society associations can play a strong role in this context.

Civic journalism

In the context of a more responsible media, a new movement called civil journalism is developing. Civic journalism represents a response to the concern, even in developed countries, over the risk that the electronic and print media are swayed by the interests of the better-off groups, and fail to inform and support the needs of the poor. This movement is evidenced by the growth of local newspapers, community radio channels, and local newsletters and posters. Civic journalism has been described as a reform

movement to rebuild public trust for journalists, and revitalize governance democracy. It allows for greater citizen input into the process, entails a partnership of citizens and journalists to foster good governance, and develops report cards for the media on issues that matter to the citizens. Another aspect of the movement is promoting media literacy, in order to provide the citizens with the skills to make informed evaluations of media messages.

In developing countries, civic journalism can play a major role in citizen education and in the dissemination of good practices at the national and local levels. There are instances of newspapers joining forces with citizen groups to raise civic issues and form partnerships with citizens to agitate for more responsive and improved services. The media have played an important role in many countries in mobilizing advocacy around issues such as slum upgrading, exploitation of marginal groups and children, rehabilitation of people displaced by projects, etc. In order to perform all these roles, journalists themselves require assistance in building their skills and investigative capacity. This has been recognized in a number of countries, and public agencies are promoting the effort (Box 16.4).

Box. 16.4
Journalism in Africa

In Uganda, workshops on investigative journalism allowed journalists to interact with other actors in the struggle against corruption and to realize their limitations. The emphasis on skill building, together with live case studies of corruption in government, helped increase the individual capacities of journalists.

In Tanzania, a workshop in Arusha drew up a one-year training program for editors and media managers, practicing journalists, nonmedia practitioners, and freelance senior journalists. Training was provided in management and business training, professional skills, civic and external relations, awareness raising, and academic and research skills.

A workshop on governance in Benin, which brought together many African journalists, discussed their roles in decoding the complex messages coming from the state and civil society and communicating the substance simply and widely to the people. The lack of trained journalists was a serious obstacle in performing these roles.

Source: Economic Development Institute (1996).

KEY POINTS AND DIRECTIONS OF IMPROVEMENT

Key Points

Voice and exit mechanisms are inoperative without adequate information. Transparency in public administration has two main aspects: public communication by government, and citizens' right of access to information. Both aspects are very difficult to implement if government records are badly managed in the first place.

Public communication calls for an affirmative effort by government to disclose and disseminate relevant information or its activities. Transparency must be balanced, of course, with the need for confidentiality of internal debates and of information affecting individuals' right to privacy. However, disclosure should be the general rule, and withholding of information the exception. Because governments generate masses of data, professional public information officers are important—not to give a spin to government decisions, but to disseminate those decisions of greater importance to the citizenry and explain their rationale.

The public's *right of access* to government information is often embodied in FOI laws. FOI legislation, now common in developed countries, reverses the traditional presumption of secrecy, sets time limits for decisions on requests for information, and provides appeal procedures. FOI laws have opened up public access in many countries. They are costly to implement, however. Also, they tend to be used mainly by organized business and strong interest groups, rather than by individual citizens or weak and poor communities.

The *role of the media* is essential for transparency in government, both as a channel to communicate to the public and explain relevant information, and as a watchdog on government actions and misbehaving of elected officials and civil servants. Naturally, the media cannot perform these roles unless it is free to do so—free both from government interference and from the influence of corporate interests in countries where the media is dominated by a few large owners.

It is also important that the media have sound professional and ethical standards and behave accordingly. Although it is highly inadvisable for government itself to intervene to professionalize the media or correct possible excesses, some accountability mechanism is needed, preferably from and by

the media themselves but with appropriate participation from other institutions and the public at large. (In addition, of course, there are legal and judicial remedies for media misbehavior, such as libel laws.)

A distinction has recently emerged between old and new media. Old media comprises mainstream newspapers, radio, and TV news. New media includes talk radio, tabloids, the internet, and electronic journalism. The new media offers exciting new possibilities for a better flow of information, which is particularly important to reap the benefits of globalization (or protect against its risks). However, its very speed encourages a slide to the superficial, and weakens the professional ethics normally associated with the old media. One key to a good balance between old and new media can be found in the civic journalism movement, which attempts to respond to the concern that both old and new media may be swayed by the better-organized groups to the disadvantage of the poor and weaker communities. Civic journalism can use both old and new media technologies to foster greater citizen input and a new partnership between the media and the rest of civil society.

Directions of Improvement

Along with weak governance comes opaqueness in government decision making and information, and a restricted or timid public media. The directions of improvement in transparency in most developing countries should include efforts on both fronts.

The prerequisite for both is improved government recordkeeping. If the information cannot be found, it cannot be communicated; if it is not organized, it cannot be found; and if either too little or too much information is retained, it cannot be organized.

At one extreme are countries where recordkeeping is scattered and documents are nonexistent, as in many African countries. At the other extreme are countries where too much information is kept, notably in South Asia. The result, however, is the same: the inability to access quickly relevant government information when it is needed. In the former situation, the direction of improvement is obvious (although not easy), and consists of enforcing official rules concerning the keeping of government information. In the latter case, the habit of keeping unnecessary records, including those on the smallest transactions, must be broken. This, in turn, requires simplifying administrative rules, since excessive red tape is both a major

source of corruption and a key impediment to accessing information. A change in attitude is also required: the need to retain each document (and why in so many copies) must be justified, and measures must be devised to penalize unnecessary record holding and to reward civil servants who free up communications. These incentives and disincentives should be made part of the personnel management policies of the government.

Similarly, the role of a ministry of information needs to change from the traditional role of disseminating propaganda and protecting the government from embarrassing disclosures, to channeling communication and building trust between the government and the citizens. This role shift will require, among other things, choosing ministers of information and senior ministry staff for their credibility with the public.

In all countries, citizens must not be restricted in their right to access government information about themselves. However, the exercise of the citizens' right to other government information should focus on the areas most important for governance—i.e., budget, electoral processes, procurement, land use, and basic service delivery. Ways should also be found to improve information access for all citizens and not only for the richer or the better organized. Hence, when information access rights are nominally equal but de facto inoperative for poorer people and groups, proactive communication efforts by government are needed.

In most developing countries and transition economies, the significant costs of enforcing FOI legislation are not warranted by the benefits, partly because inadequate recordkeeping raises the costs of information retrieval and partly because of the high demands of FOI mechanisms on scarce administrative capacity. It is all the more important, therefore, to put in place a variety of other innovative mechanisms to channel relevant government information to the public. The cooperation of local voluntary organizations can be very useful in this respect.

To protect and strengthen the essential role of the media in good governance, developing countries and transition economies should take a two-pronged approach: reduce official restrictions on media access and activity, and help build media capacity and professionalism. Inadequate media capacity should never be used to justify media controls by government; but neither can it be accepted as the normal state of affairs. Certain restrictions on media activities are needed to combat libel and defamation, and are indispensable in multi-ethnic countries to prevent or manage

conflict. Clear legislation to that effect, however, is preferable to administrative discretion, except in rare emergencies.

Media accountability is a critical issue in all countries. Moreover, in developing countries, weak and noncompetitive media can easily become the instrument of particularistic vested interests and fail to perform their essential role of informing the public and exposing government mistakes and corruption. (In these circumstances, the media themselves can be a source of active or passive corruption.) External entities—both official donors and specialized international foundations—must help developing countries build up the capacity and standards of their media, partly through journalists' internships and twinning with established media organizations in developed countries.

NOTES

- ¹ This section draws mainly on OECD (1997d), Commonwealth Secretariat (1997d), Cooper and Newland (1997), Government of UK (1997), Guhan and Paul (1997), Pope (1996), Schachter (1997), and Government of India (1997a).
- ² Commonwealth Secretariat (1996).
- ³ On issues of budgetary presentation and transparency, see Schiavo-Campo and Tommasi (1999).
- ⁴ Schachter (1997).
- ⁵ This section has drawn largely on OECD (1997d), Davis and Owen (1998), Pope (1996), and Bjornlund and Bjornlund (1996).