

Unit 6: The Role of the Media in Corruption Prevention

Learning Objectives

How does an unbiased media fight, expose, and educate against corruption?

After studying this unit, you should be able to:

- Understand the function of the media in preventing and fighting corruption;
- Understand the political limitations to the media in fulfilling its functions;
- Be familiar with legal protections for the media.

Introduction

In the last unit we learned the importance of CSOs in good governance. CSOs and all stakeholders, though, would be more effective, reach a broader audience, and be more likely to be heard by government officials with an accessible, available, and open media. Likewise, community stakeholders learn the opinions, decisions and actions from policymakers *through* the media. The media can be the mouthpiece for all sides of the political equation by communicating rights to the people, informing people about political candidates' items up for vote, communicating the needs of the people, and the demands of CSOs. In short, the media allows for a space for political negotiations to occur. It tells us about when elections are going to be held, what political parties are running and what promises the candidates are making. The media will inform the public of important announcements and may also research how parliament and other public officials are doing their constituents justice and where they are falling short.

Investigative journalists believe they have a duty to the public to cover stories of corruption by politicians and business leaders. Sometimes, as a result of media stories, political action can occur through the resignation or fleeing of the corrupt, often preventing others from replicating the actions for fear of public exposure and humiliation. Journalists can expose the stories of policy, corruption, and other issues relevant to parliament.

However, journalists and media outlets are often burdened by a dysfunctional and unsupportive government. This unit looks at why the media are important in the fight against corruption, their limitations, and requirements for a well-functioning and supported media.

Limitations of the media

Media has an important role to play in raising awareness on rights to official information. It does this by supporting and facilitating initiatives that sensitize government officials on the importance of making public information available, working with information centers to promote civic education on rights and entitlement under official legislations.

The media is important as it is a nonbiased source of information for politics and education. However the media is sometimes faced with limitations to their progress, such as ramifications for exposing state-run wrongdoings. In others, there are strict libel laws, which are meant to protect media stories from unsubstantiated claims, but are often so stifling that the media is again prohibited from fulfilling its defining function -- to share the news with the people.

In some nations, laws have been so severe that journalists can be punished with imprisonment and steep fines for reporting on government leaders. Charging the media with committing libel is accusing the media of publishing lies about a person, often a political official. As a result, the media organization and the journalist can be sued in court, and since the judges may be more aligned with the politician than the journalist they will often rule against the media.

In more severe criminal libel, the journalist and his or her media outlet not only published lies but stories they told threatened the stability of the country. When journalists are convicted of criminal libel, they are sent to prison, some times for years, and sometimes the editors and owners are also prosecuted.

Some countries have used licensing as a way of controlling the media, meaning that a media outlet must obtain a license from the government before being allowed to

operate. However, when media publish or broadcast news about corruption or other forms of wrongdoing by the powerful, their license may be revoked.

An Enabling Environment

If media is so important to fighting corruption, designing an environment which enables a productive and successful media is imperative. An enabling environment comprises a set of often inter-related conditions that impact the capacity of citizens to engage in development processes in a sustained and effective manner. These conditions include legal, regulatory and policy frameworks, and political/governmental, economic, and socio-cultural factors that mandate governments to make information available to citizens, businesses, civil society, and the media. In addition, journalists must have information on policies, rules, regulations, and government procedures, as well as the relative speed with which this can be accessed.

The Media and the Law

In order to avoid some of the common complications inflicted on media, some governments have passed laws on access to information that give citizens and journalists the right to request and receive a wide range of information from the government, which make it possible for journalists to obtain the facts they need to do their job. This also protects the media as they can have evidence of the statements they are publishing.

Box 1
Article 19 of the Universal Declaration of Human Rights

"The right to freedom of opinion and expression includes the freedom to seek, receive, and impart information and ideas through any media and regardless of frontiers."

- Freedom of information is a cornerstone of democracy, participation and good governance.
- When more information is available from the government it is less likely to be able to hide illegal acts. Excessive secrecy, on the other hand, breeds tyranny.
- Open public sector information enhances social welfare, as citizens become better able to make informed decisions about their daily life, and their futures.

Not only have some countries drafted laws protecting free speech domestically, but there have been a number of international declarations and laws protecting free speech.

For example, Article 19 of the UN Declaration of Human Rights (See box).

But what is required for a successful legislative structure? Access to information represents the basic tools for development and good governance. It empowers citizens through access to and use of information and knowledge and engages citizens and citizen organizations in public policy debates, public services delivery, and the monitoring and management of public goods. The obligations set out in access to information legislation apply to all bodies that carry out public functions, regardless of their form or designation. In particular, bodies, which provide public services under a public contract should be covered by the legislation. Finally, these laws are critical to making development policy and action responsive to the needs of the people and the poor.

Access to information increases public awareness of government policies, reforms, initiatives, and service delivery mechanisms. The media can produce and analyze information service deliveries thus providing citizens with the knowledge and evidence for holding authorities accountable, thus encouraging citizens to hold officials accountable for their actions and performance. Media can put pressure on government to reform the capacity of its public information systems, for example through locating public information centers close to citizens.

Information produced by public servants should be available to the public. Any formal exceptions preventing citizens from accessing public information should be well justified.

National governments should expand access to public information resources and re-assess existing policies and practices for making information more available.

All publicly funded organizations should provide open access to publications and public databases as a process of engaging citizens.

In order to protect the media, most countries establish Freedom of Information Laws (FOI) to officially legislate this basic professional and human right. In addition to the basic rights already mentioned and the desire to make government information more open, FOI also allows citizens to request that access be provided for information held by the government that is not otherwise made routinely available. The process for obtaining public information through FOI laws is not simple. Exceptions when this is

not possible include national security restrictions, the protection of personal privacy, and the protection of trade secrets. Such laws typically involve a bureaucratic, cumbersome, and relatively expensive process that the citizen must undertake in order to obtain information that is legally in the public domain.

Box 2
Processes to Facilitating Access

The facilitation of access to information should adhere to the following key requirements.

- No one should have to state why they request information.
- Public bodies should be required to respond to requests within set time periods. A failure to respond to a request within that time period should be deemed a refusal of the request.
- Any refusal to provide information should be with information on the provision in the legislation applied.
- Requesters should have the right to appeal any refusal to provide information to an independent administrative body.
- Deliberate obstruction of the right to access should be a criminal offence.

A Cost to Access to Information?

Access should also be affordable. For example, there should be a structure in which requesters only have to pay for the cost of reproducing the information. Personal information should be free or very low cost. In addition, people cannot be subject to higher charges simply because public officials do not maintain their records well. Finally, if the information is not provided within a set time period after the fee has been paid, the money should be returned and the request should be free of charge.

Parliament, the Media, and an Effective Policy Framework

Parliaments have a critical leadership role in expanding access to and use of public information. To fulfil this role they need to develop an integrated and comprehensive

national information policy to develop and promote the production, dissemination, and, use of governmental information to the public.

FOI should include a policy framework that addresses information management and dissemination. This should include creating a management structure, defining policy requirements, and adopting strategies for management.

Conclusion

As this unit discussed, in the development of a national and local information management policy parliamentarians and other lawmakers should provide the best possible access to and use of information by all stakeholders, plan for information resource management, manage information dissemination activities, and safeguard for public information. The parliament works for the media so the media can work for the people and the parliament in order to be effective, the government and the media must work together to allow for information to be brought to and empower the community.

Unit 6 Questions

Please answer each of the following questions. If you are taking this course in a group you may then meet to discuss your answers.

1. What freedoms are essential preconditions to achieving and sustaining an informed society and why?
2. How does having an informed and transparent society benefit parliament?
3. What is the link between open and transparent societies and economic development?
4. Give an example of how the right to know has helped benefit your own life, or the lives of your constituents.

Select Bibliography

Article 19: *Universal Declaration of Human Rights*

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