

## REPORT

**“Workshop on Corruption and the media’s role”  
Day 2, workshop 6  
at the 9th International Anti-Corruption Conference (IACC) , Durban, October 10-15, 1999**

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## RECOMMENDATIONS

There was recognition that the media plays two crucial roles in combating corruption. One is in exposing corruption and fraudulent practices in government, private sector and even among civil society organisations. The other is its central role as part of civil society, an important institution in promoting good governance and human rights. The main recommendations are as follows:

1. That freedom of speech and of the press must be guaranteed. In this respect, all laws inimical to press freedom must be removed and the harassment of journalists, ranging from inappropriate use of libel laws to jailing and killing of journalists must cease if corruption is to be effectively combated. Journalists themselves must be wary of inappropriate hospitality, inducements and conflict of interest situations that may compromise their work.
2. That multilateral organisations including the World Bank, must not abandon journalists combating corruption when they fall into trouble with “oppressive regimes”. They can do this by raising their voice and calling for the unconditional release of journalists in cases where journalists are incarcerated.
3. Multilateral organisations and other coalition groups committed to the combat of corruption should contribute to capacity building and training of journalists to encourage investigative journalism.

### 1. Background

The decision to hold a separate workshop on the role of the media during the biennial Anti-Corruption Conference was borne out of the recognition that the media plays a

crucial role in combating corruption, ensuring accountability, transparency and promoting good governance. At the 8<sup>th</sup> International Anti-Corruption Conference in Lima, Peru, in September 1997, the role of the media in combating corruption was underscored by the over 1000 participants when they stressed in the *Lima Declaration* that :

- The role of an independent media is essential, but for it to function effectively, there must be freedom from harassment, freedom of information laws (for citizen and journalists alike) and a legal system which cannot be misused to muzzle legitimate expression of concern. We urge governments, the media itself and civil society to ensure that the conditions exist for the media to play this role.
- Newspaper editors everywhere should reflect on the roles their publications can play in giving the public a "voice" to counter corruption, and in raising awareness of complaints mechanisms and how the public can use these effectively. They must also consider how they can help foster a climate of public opinion which regards the corrupt, however rich and powerful they may be with the contempt they deserve. The media itself must guard against accepting bribes and inappropriate hospitality.

The responsibility for co-ordinating and ensuring the success of the workshop on Corruption and the media's role fell on the shoulders of Mr. John Githongo, Member of the Board of Directors of TI (Berlin) and a celebrated Kenyan Journalist.

## **2. First session**

*Prof. Fred Shauer: Acting Director, Centre for Human Rights Policy, Kennedy School of Government, Harvard University: Opening remarks*

The workshop was called to order and opened with introductory remarks by Prof. Fred Shauer, Acting Director, Centre for Human Rights Policy, Kennedy School of Government, Harvard University. With Prof. Shauer on the panel was Mr. Aditya Man Stretsha, TI Nepal. He made a presentation revealing instances of new media alliances and approaches in the fight against corruption in Nepal. Also on the panel was Mr. Marlan Padayachee, of the International Federation of Journalists and of the Media Workers Association of South Africa. Padayachee examined the role of the media in the campaign against corruption.

A member of the Board of Transparency International, Mr. Frank Vogl was also on the panel and chaired the discussions after the formal presentations.

In his introductory remarks, Shauer reiterated the view that the media plays a crucial role in exposing corruption. He said in many cases, exposure of persons and or institutions in the media for corruption acted as a deterrent and restricted the possibilities of corruption. He urged the media not to focus only on corruption within government but also corruption within civil society, the media and the private sector.

Continuing, Prof. Shauer said, it is common everywhere in the World for government officials to be upset when they are exposed for engaging in corruption,

adding, the accusations of lack of patriotism against the South African media, for example, is the same story that is told of the media in many emerging democracies. But media patriotism, he said, should not be seen to be in support of governments.

Prof. Shauer said these debates (about media patriotism) are common everywhere, and in the case of South Africa, whenever the media exposed someone for corruption, questions were asked about the racial ownership of the medium. This widened the gulf of perception between the so called white press and the black press.

He said it was important that the media took the basic principles of Journalism-objectivity, accuracy, fairness and the public interest- seriously. Giving a conceptual background of his introductory remarks, he said, freedom of speech and of the press is indistinguishable. In his opinion, freedom of speech must necessarily take into account, the range of empirical, concrete and legal policies including libel laws and censorship among other things. What is the relationship between these laws and the Press and should the press be assisted when they are exposing corruption? he asked. He said the question might not be whether we should assist the press when they are exposing but the dilemma as to whether we should tolerate falsehood. Prof. Shauer noted that in a country where freedom of speech and of the press is stifled with protective laws; the media cannot operate freely and effectively in the fight against corruption.

However, he wondered why the quality of investigative journalism in United States which has the least restrictive laws compared to Australia, had fallen. This, he said, may be due to the costs involved in investigative journalism. He concluded by flagging the following questions for discussion. "What is the relationship between the law and press content? What is the relationship between press content and corruption? What is the relationship between freedom of speech and corruption?"

*Nepal case study on new media alliances and approaches in the fight against corruption-*  
By **Aditya Man Shrestha**, TI-Nepal

Mr. Shrestsha began his presentation with brief introductory remarks, informing participants that he had on some occasions worked for the King and the Minister and therefore has some insights into the workings of government. He said the media in Nepal have played a leading role in exposing corruption in government and the private sector but said his country's media is still politically partisan. This partisanship has created a credibility gap between them and their readers/viewers/listeners. On instances where the Nepal media had exposed corruption, he cited among other things, the case in which a daily Newspaper, the Kantipur exposed a dubious deal of a lease of an aircraft by RNAC, Nepal's national carrier from an US agency, Chase Air. He said the paper revealed that the aircraft was never delivered even though payment had been made. In the process, the RNAC lost about half a million dollars. The crime of national loss was evident, he said, but no punishment has as yet been meted out to the guilty. Mr. Shrestsha said after public outcry, the case was taken up by Nepal's anti-corruption body, the CIAA, but in his

opinion, no one would be punished because none of the people fingered for corruption in his country had so far been punished.

He said for their dogged resistance to condoning corruption, Nepal's media has been caught in the vicissitudes of the times. He cited the case of the refusal of NTV, Nepal's state-controlled national television channel to broadcast a program produced by Nepal's Forum of Environmental Journalists (NFEA) because apparently, the NFEA had blown the whistle on the Ministry of Education, when it handed over a protected green forest to an Indian company to establish a medical college. In some instances, journalists are jailed as was the case when two journalists- an editor and a reporter of a leading official daily newspaper- were gaoled for contempt of court for five days and a fine of 500 rupees imposed by a local Kathmandu Court. The paper had reported a comment by the Public Accounts Committee of Parliament which had also quoted the findings of the Auditor General implicating a judge (who was not even named by the newspaper article) for embezzling the salary of his peon (attendant) without having one appointed.

*The role of the media in the fight against corruption- By **Mr. Maryan Padayachee**, Member, IFJ and Media Workers Association of South Africa.*

Mr. Padayachee said the media had been the traditional campaigner against bribery, graft, fraud and corruption long before the World's anti-corruption lobbyists entered the arena of combating corruption. He suggested that the media's fight against corruption was not out of altruism but was motivated by their desire to make money out of such exposé's. Padayachee said publishing companies saw the disclosures of ministers and high profile movers and shakers in the newspapers and magazines a commercial interest. Such startling revelations, he said, sold newspapers, or pushed up the market ratings of radio stations and television networks. He observed that investigative journalism, which is needed for the effective combat of corruption, had dwindled over the years and urged publishers to make resources available to support investigative reporting. In addition, to this, he said, publishers could also build bridges among themselves to work out a common strategy to train and develop investigative journalists so that we can take the campaign against corruption into the next millennium.

Mr. Padayachee enumerated some of the factors that inhibit the media in being effective partners in the combat of corruption as the fear of publishers and editors of being slapped with costly lawsuits, the change of focus of newspapers (as is the case in South Africa) from being watchdogs of the society to profiteering. In addition to the above, he said, bribery and corruption within the media, and poor working conditions and remuneration of journalists, if not addressed, would impede the work of journalists in being effective partners in the combat of corruption. He questioned how the media could do a "fair job" when they continue to rely on "freebies" and free rides to do their job. Apart from advocating better working conditions and remuneration for journalists to make them effective partners in the crusade against corruption, Padayachee suggested retraining of journalists in some aspects of reporting, especially in court reporting. He submitted that

the fear of media exposure could act as a deterrent against corruption and urged radio and television stations to do more in exposing corruption and white collar crime.

## **Discussions**

*Chair- Frank Vogl, Member of the Board of Transparency International*

Interventions from the floor noted that the media is an important weapon in the fight against corruption but it also had to be on guard against corrupting influences and inappropriate hospitality. There was a dilemma as to how far journalists should go with politicians whom they (journalists) sometimes get close to for scoops. Participants noted that though Journalists and politicians need each other, journalists should be careful about how far they should go with politicians in order not to compromise their work. It was stressed that one way of overcoming such dilemmas was for journalists to adhere to their code of ethics.

Participants observed that corruption within the media could impact negatively on efforts at combating corruption and urged journalists to adhere to their code of ethics. Publishers were also asked to see to the welfare of journalists to reduce their dependence on brown envelopes and freebies. Concern was also expressed in the downturn in investigative reporting. Some participants suggested capacity building of journalists in the field of investigative reporting. One participant expressed disappointment at the fact that journalists in the electronic media were not adequately represented at the workshop. He spoke of the power of television and radio in shaping public opinion against fraud and corruption. One pertinent question, which was flagged, was how ownership of a medium (especially when the person is a politician) could assist in or retard progress of anti-corruption efforts.

## **Second Session**

*Chair: Frank Vogl assisted by John Githongo*

*Principles to promote and protect investigative journalism into corruption presentation by **Njonjo Mue** Legal Advisor - Article 19 Regional Office for East and Southern Africa*

Mr. Mue advocated freedom of expression and access to information for journalists and members of the public to enable the press to illuminate the dark corridors of power that often aids corruption. He said Article 19, to which he belongs, is in the process of developing certain principles to facilitate the work of the media and to ensure an enabling environment for the media to operate. Touching on the general rule on access to information, he said, the right to freedom of information is central to the concept of democratic accountability. He noted that it is imperative, if people are to be able to monitor the conduct of their government and to participate fully in a democratic society, that they have access to government -held information. For instance, a proposed principle

of Article 19 for the enactment of freedom of information laws notes that " Everyone, including journalists, has the right to obtain information from public authorities. Information may be withheld, but only if the government can demonstrate that the withholding is prescribed by law and is necessary in a democratic society to protect the rights or reputations of others, a legitimate national security interest, public order, public health or morals". He deplored the use of national security laws by governments to deny the public of "harmless" information that they have a right to receive, and the use of defamation laws to hamstring operations of the media. Mr Mue enumerated among other principles, the enactment of laws to protect whistleblowers and sources who disclose information of public interest from prosecution, and protection for journalists who publish even classified information. His presentation did not only advocate greater freedoms and the creation of an enabling environment for journalists to operate. He also called for sanctions to be imposed on errant journalists who flout the code of ethics of their profession. In such situations, he said, a body so constituted could impose penalties, revoke the press card of the journalist or impose fines as may be deemed appropriate.

*Corruption fighters and the media- understanding the relationship: a survey approach-*  
By **Dr. Stephen Tanner**, Department of Journalism, University of Queensland, Australia

Dr. Tanner's presentation touched on the relationship between corruption fighters and the media and he sought to gauge this relationship between the two groups with a survey. According to him, though the results of his survey were preliminary, yet they provided some interesting insights into the attitudes of anti-corruption fighters and other people interested in combating corruption. The survey, he said, suggested that people were wary of the media- bordering on the distrustful at times. Despite this, they generally believed that their own relationship with journalists was good and that the media's coverage of corruption was of a reasonably positive standard. Continuing, he said, such praise of the media notwithstanding, the respondents were critical of the media and believed that there is considerable scope for the media to be improved as was reflected in some of the responses. He promised that final results of the survey would be posted on the TI website. Dr. Tanner said he began the survey two weeks prior to the conference and circulated the 35-question survey mostly via e-mail to respondents to 350 delegates who happened to be the first group of people to register for the conference. He disclosed that three days prior to leaving Australia to attend the conference, he had received 109 responses from the 350 respondents and expressed the hope that by the time he completes the survey, 500 out of 1600 delegates would have answered the questionnaire to enable him analyse the data critically. He asked participants who had not filled their questionnaire to do so to enable him complete the survey.

Among other things, Dr. Tanner said he was conducting this survey to extend his work beyond Australia where he had undertaken similar surveys in the hope of finding out whether there are any patterns in the relationship between anti-corruption fighters and journalists in other parts of the World. However, because the results were preliminary and

some more respondents were yet to send in their questionnaire, such patterns as differences in responses between respondents from first world and third world countries and between those countries whose media were free and restricted could not emerge. He said 35 questions were asked and out of the first batch of 107 respondents, 71 were male and 36 female. The respondents worked in 39 countries (with another indicating that he worked globally). Nearly 51 percent of respondents indicated that they were working in an anti-corruption capacity with the remainder working across the board (as government ministers and MPs, advisors, journalist's NGO staff and in the private sector). According to him, overwhelmingly, the number of people who indicated they were working in an anti-corruption role had been doing so for less than 5 years (36 respondents). Nine had been working in this field for 6-10 years, 3 for between 11 and 15 years, and one for 21 years or longer.

Below are just a few highlights of the results.

- When asked how frequently they interacted with the media, ten respondents representing 18% of those working in an anti-corruption capacity said they interacted with the media on a daily basis, 16 did so on a weekly basis (29%), 9 on a monthly basis (16%) and 18 indicated that they interacted with the media infrequently or not at all (32.72%). A number of people who answered "other" to this question said they had a policy of not dealing with the media. Others said that they had not been established in this field long enough to develop a working relationship with journalists. A small number said that whilst they did not personally interact with the media, they prepared briefing notes for other people within their who did.
- Asked to rank the various media organisations that were most supportive of their work, respondents said it was the newspapers (47%) followed by television (15%), other forms of media (4%) and radio (2%).
- When asked to list their criticisms of the media, respondents were particularly forthcoming. Many were highly critical, despite responses indicating that they enjoyed a good relationship with journalists and regarded the media's coverage of corruption in their country. These responses are reflected in the responses to questions 15-17. Respondents:
  1. Accused the media of being too superficial in its coverage of corruption (52);
  2. Claimed that it was only interested in corruption because it helps boost circulation and ratings, rather than through a sense of duty to a watchdog function (48);
  3. Argued that journalists don't understand the complexity of issues they are dealing with and don't have the forensic skills necessary to uncover corruption and to write about it(50);
  4. Believe journalists are too lazy and don't help to uncover corruption, preferring to wait until the story is presented to them(21); and
  5. Argued that journalists and media organisations are themselves vulnerable to corrupt approaches from people who are the subject of enquiries (32).

Respondents were given an opportunity to explain their responses further. Some were critical of regimes in which the media were state controlled, believing this rendered it ineffective as an anti-corruption mechanism.

A number of respondents also criticised the media for being partisan, and argued that journalist often worked to their own agendas. As such the ethics of journalists and media organisations came under criticism, although a number of people suggested that whilst problems existed, they were due to structural, social and organisational constraints. This included poor salaries for third World journalists, a lack of training and staffing and a fear on the part of journalists that if they dig too deep they could lose access to sources and elites.

Respondents also had strong views regarding the ways in which media coverage of corruption could be improved. Sixty-eight (63%) believed that intensive courses should be provided for journalists on what the anti-corruption organisation is doing, and how much corruption costs the local economy. Sixty said that media organisations should be encouraged to employ with specialist qualifications (law, economics and accounting) to cover corruption enquiries. A number also argued that the media should be provided greater access to anti-corruption organisations (33%), with 50 arguing that journalists should be granted more access to the evidence and grater freedom to report on their evidence.

*The role of the investigative journalist in Algeria-By **Djillali Hadjaji**, Journalist, Al Watan.*

Hadjaji spoke of the pain, sufferings and death that Algerian journalists are exposed to daily, in their attempt to expose corruption, promote good governance, human rights and ensure accountability and transparency in the management of public affairs. He said more than 70 journalists had been killed, adding that as of now, harassment and intimidation of journalists continue in his country. Hadjaji gave a historical background of his country and noted sadly, that, citizens in Algeria, a country rich in oil and gas are still poor. Currently, he said, Algeria's external debt stands at about \$30billion and blamed the poverty and debt burden of his country on corruption, and mismanagement of the economy.

Comparing the environment in which the media operated prior to 1990, Hadjaji observed that though there had been some improvement, journalists are still far from being free from assassinations, intimidation and harassment from agents of government. According to him, a dichotomy exists between the media as there are some media organisations including private newspapers, that lean towards the government and others to the opposition. He said government often accuses the critical press of being unprofessional. On corruption within Algeria and efforts being made by the media to combat it, he said, there is currently a perception among politicians that the government lacks the political will to deal with the cancer. He said corruption cases have been on the increase and even though the media have been somewhat successful in uncovering some cases, due in part to public opinion, those who were fingered for corruption quickly initiated a law suits against journalists.

This notwithstanding, he said, there have been some results from investigative reports that spotlighted corruption, and cited the case of how he blew the whistle on a scam in the medical services. But the challenges still remain in combating corruption in Algeria.

## **Discussion**

*Chair: Frank Vogl*

Participants expressed shock at the situation in Algeria and called for an immediate halt to the killings and harassment of journalists there. They called on the international community and multi-lateral organisations including the World Bank to join the call by journalists for the immediate halt to the killings and harassment of journalists in Algeria and other parts of the World. In addition to this call, they implored the World Bank in particular, not to abandon journalists combating corruption when they fall into trouble with "oppressive regimes". Other interjections and comments from the floor noted that for corruption to be effectively combated, freedom of speech and of the press must be guaranteed and called for the removal of all laws inimical to press freedom.

Participants advocated the enactment of freedom of information laws in countries where such laws do not exist. They condemned corruption within the media and counselled journalists to be wary of inappropriate hospitality and inducements that may compromise their work. One issue which was flagged and provoked debate, was whether there was a link between democracy and corruption, and corruption and human rights.

## APPENDIX

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