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Corruption, Transparency and a Role for ICT?

Abstract:

Civil society's struggle against corruption has as a major element, (alongside the enforcement of the law and structural reform of public institutions), the introduction of transparency in place of the obscurity and secrecy in which corrupt practices thrive. Various levels of corruption can be distinguished from each other. They include the wholesale corruption of politicians, governments, higher administration and the business sector, in which society is made a prey for the personal enrichment of the powerful few. At the other extreme there is the petty corruption of public officials, which may almost be seen as a substitute for proper payment for employment in the public service. This acts as an extra tax or set of fees for services, falling disproportionately on the poorer members of society and disadvantaging them in competition for scarce resources and inadequately funded services. Transparency has many elements: open government, with access to official forums, and institutions that respond to the citizen; freedom of information laws; protection of public interest disclosure (whistleblowing); a free press practising investigative journalism; and a lively civil society sector campaigning for openness of all these kinds. The poor are frequently portrayed as helpless in the face of corruption. Nevertheless, campaigning organisations in developing countries see transparency as an important component of a process of empowering the poor to shake off the burden of illegal financial demands. Various mechanisms including the use of ICTs to introduce greater transparency are being explored. ICTs are democratic media with ease of access, comparative ease of use, great data capacity and the immediacy of swift updating. The poor are, however, also the information poor with limited access to ICT. Means to overcome the difficulties of using ICTs for the benefit of the poor, introduce increased transparency into their dealings with public institutions, and thus weaken the hold of corruption, are being explored in a group of projects in developing countries in a programme managed by OneWorld International.

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Introduction

A traveller (the author) arrives in a foreign city (Kampala, Uganda) for the first time and picks up a newspaper (Sunday Vision). The front-page banner headline reads 'Minister told to give bribe'. (Abbey, 2004) The story tells how a government minister in his private capacity as a motor dealer had successfully sued the government for compensation when it failed to purchase vehicles that it had contracted to buy from him. Leaving aside the issue of whether it is proper for a minister to act as a government contractor in this way, this is a classic corruption story. He alleges that after the judgement unnamed officials at the Ministry of Finance and Justice had told him that to obtain his money he must pay them 40% of the total sum. Then on page 5 of the newspaper the traveller finds an editorial lamenting the high incidence of bribery in the country and saying of those who doubted whether this was so 'What do they know about corrupt policemen, unsavoury judges and crooked politicians? What do they know about lazy civil servants, zealous local government officials and marauding tax authorities?' (Barenzi, 2004) Does the traveller infer from this that Uganda is an unusually corrupt country? No, he merely concludes that Uganda has an unusually outspoken press. Corruption is in fact universal, although particularly pervasive in developing countries. This paper will look at the way in which transparency can undermine some of the basis for corruption and speculate as to whether this provides a possible role for ICT applications.

Corruption

Probably the most common way of describing corruption is to use terms that express loathing and contempt for the process and all those involved in it. Take for instance the words of the UK High Commissioner in Nairobi, Edward Clay, who said of Kenyan government ministers:

Evidently the practitioners now in government have the arrogance, greed and perhaps a sense of panic to lead them to eat like gluttons. They may expect that we shall not see, or will forgive them, a bit of gluttony. But they can hardly expect us not to care when their gluttony causes them to vomit all over our shoes.' (Clay, 2004)

We will return to some of the implications of this accusation later, but it reflects a very common puritanical ethical stance on corruption that locates it in the fallible character of human beings. Natural though this may be, especially when one is faced with a demand for an illegal payment or faces the consequences of someone else's corrupt manipulation of the system, it does not actually say very much that is helpful to anyone wishing to know what exactly is happening and why.

In the 1960s one or two social scientists began to take a more dispassionate look at the operation of corruption in developing economies. A few examples will suffice to show the tendency of their line of argument. Leff (1964) suggested a view of bribery as a way in which entrepreneurs seek to break through restrictions imposed by a hostile or indifferent mode of governance. Leys (1965) recognising the high incidence of corruption in developing countries, also asked whether this might not be a response to the inappropriate and unresponsive state structures inherited from former colonial powers. He identified corruption as a cause for concern, but not for moralising. The concern arises from the way in which corruption can inhibit national development by removing wealth from the economy by those with offshore accounts; lower national morale; divert energy from productive economic activities and discourage outside investors, lenders and donors.

Bayley (1966) elaborated this dispassionate approach somewhat further, introducing the notion that corruption was not necessarily a guarantee that development would be inhibited. After reviewing the harmful effects of corruption he constructed an argument for possible beneficial effects. This line of argument has never been fashionable, but it draws attention to the way in which corruption may encourage productive investment; offer a means by which excluded groups can gain access to economic opportunities; mitigate the rigidity of government planning; and break open the deadening influence of unresponsive bureaucracies. Although such lines of argument may seem distastefully amoral, they definitely have a value in encouraging us to understand corruption and its effects. Furthermore, the study of history offers lessons to be about the progress of societies that were deeply corrupted towards the elimination of most of the incidences of corruption.

For instance, the political conflicts of seventeenth century England, the Civil War of 1642-49, the Commonwealth and Protectorate of 1649 –1660 and

the Glorious Revolution of 1688 were, amongst many other things about subjecting the power of the state, as represented by the crown, to control in a wider public interest represented by parliament. The settlement achieved in 1688 laid firm institutional foundations that can be seen as the basis for modern British society. Political decisions had to be made with the consent of parliament. Revenue was raised by taxes granted by parliament and attached to agreed purposes. The independence of the judiciary was affirmed. After 1694 the Bank of England was created to handle the loan accounts of government and ensure the continuity of payments. Taken together these constitutional arrangements removed the arbitrariness of the exercise of power that was characteristic of the monarchical system and distributed access to power widely through the aristocratic, landed and wealth-owning classes. (North and Weingast, 1989)

The significant thing for our purposes is that it was not the case that rational, uncorrupted governance followed from these significant and highly influential changes. Far from it: for more than a century after 1688 England was an enormously successful society developing securely and swiftly in a host of complementary ways, but ruled through a system frequently referred to as 'the old corruption'. Decisions were taken on the basis of complex and wide-reaching political alliances made possible by the corrupt distribution of access to sources of revenue, offices of profit, perquisites and privileges of many kinds. The system involved unfairness, injustice, waste, and sometimes national failures on a huge scale, but crucially it was open to enterprise, talent and energy and it delivered massive results in trade, agriculture, and manufacturing as well as culture and the arts.

The comparatively narrow, oligarchic nature of the eighteenth century old corruption was unacceptable to thinkers of a democratic mind and in the nineteenth century it became widely accepted that a more rational, accountable system was needed by powerful nation with the most successful economy in the world. A strong concept of the public interest began to dominate political discourse and with surprising speed behaviour patterns that were acceptable in the old dispensation became anathema in the new. Doig (2003, p179) lists decisive aspects of the responses to this shift in public mentality as:

Measures that precluded membership of parliament as a means of personal profit in return for government support; required verbal

disclosure of financial interests; curbed payments for honours; disengaged MPs and ministers from the spoils and patronage systems that dominated traditional politics; introduced constraints on civil servants moving to the private sector; outlawed voter bribery, and introduced anti-corruption legislation for both public and private sectors.

All of this and more was needed to create a society that throughout the twentieth century was mercifully free from most of the phenomena of corruption and which still, at the beginning of the twenty first century ranks very low in the international indices of corruption (Transparency International, 2003).

The intention in outlining the progress of eliminating corruption in British life is not to argue some special virtue in British society: indeed it might be said that Britain moved away from corruption because it could afford to do so. It is also true that corruption persists and that Britain is a major exporter of corruption. British companies have several times been exposed as making enormous illegal payments to those with power and influence in countries with which trading links are sought. The oil and defence industries are the most frequently mentioned, but it is likely that payments of this type are a feature of international commercial transactions of all types, and no doubt executives of the companies concerned are willing to justify their conduct in terms of corporate and national benefit.

The point in discussing the history of British corruption is that it shows a society functioning first through the agency of corruption and then moving towards a more open and fairer system. It offers evidence that this is possible and helps in the identification of mechanisms by which it can be achieved. What is missing from the account offered in the previous paragraphs is any real sense of the reasons why corruption is so justly detested, even if in some semi-abstract way it can be shown under certain circumstances to function to the overall benefit of national development. To do this it is necessary to draw attention to two aspects of the phenomenon of corruption as it actually operates in the developing countries.

The first of these is the predator corruption of small and ruthless elites clustered around leaders, whether elected or holding power that they have seized illegally. This corruption has not only cheapened public life, but it has fostered an amoral business ethic to the detriment of commercial life. The enormous fortunes that have been acquired by

leaders such as Mobutu in Zaire or Moi in Kenya are probably not so different in scale from that amassed by the man who was effectively the first British prime minister, *de facto* ruler of the country between 1721 and 1742, and complete exemplar of the old corruption, Sir Robert Walpole. The chief difference is the way in which wealth has been taken out of the country that was in the care of these modern rulers by their own family, friends and political and business associates, to be placed in overseas bank accounts, property and other investments. The predator corruption of leaders has not merely effectively robbed countless individuals, in the way that eighteenth century British corruption did, but also impoverished the national economy as a whole by extracting wealth from it to the benefit of Swiss bankers and the economies of booming importers of capital in the Middle East and South East Asia. In contrast, the eighteenth century predation of the old corruption recycled the money into the national economy. Predator corruption is what Edward Clay was attacking in the speech quoted above and it is virtually impossible for anyone outside the corrupt circle not to share the disgust he expresses.

The second is the incidence of petty corruption of those, including the police, the judiciary, government and local government officials, and health care workers, who are responsible for the delivery of public services. The need to make payments to officials to obtain services diverts the provision of those services towards those who are able to find the means to pay, and away from those who cannot. It is present in such a completely consistent way that it sometimes needs journalists and other commentators to remind people that it should not be taken for granted (as with the quotation in the introduction to this paper). It expresses itself in many ways such as the practice of charging the public for essential official forms that are supposed to be freely available. At the same time, it provides a much needed supplement to the incomes of underpaid and neglected work forces and so prevents the utter collapse of overstretched public services. In this sense it is a form of the 'beneficial' corruption identified by the economists quoted earlier. It may well take the form of a standard and wholly predictable tariff, or it may be unpredictable and arbitrary, but the most consistent feature is its presence in the lives of everyone in the community. To those members of society with comfortable incomes it may be no more than an annoyance or inconvenience, but to the mass of the population it constitutes an illegal tax for which they must try to budget, and which will consume a

substantial part of their income each year. This is the reason why it cannot be tolerated and why the elimination of corruption is part of democratic political programmes and a major feature of civil society campaigning throughout the world.

Transparency

Uncorrupted politicians and civil society campaigning bodies propose a variety of approaches to the problem of corruption. Institutional reform, powerful legal sanctions, and the creation of regulatory bodies are amongst the types of approach that appear in anti-corruption programmes. Alongside them, or forming part of them, it tends to be an almost universal proposal that greater transparency should be introduced into systems that have too many areas of ignorance and concealment in which corruption can flourish. The reason why transparency is so consistently advocated that it offers both knowledge of how a corruption-free system should operate and what it should offer, and the capacity to find out about the day-to-day operation of governance and the manipulation of it that is practised by the corrupt. In some ways the faith in transparency is naïve. By itself transparency achieves nothing, or very little. What it offers is a basis for effective action based on knowledge and understanding. This makes it a genuinely indispensable feature of any anti-corruption programme and worthy of some detailed explanation.

Transparency is a term that is comparatively little used by the information professions themselves and yet it encapsulates a great deal of the rationale behind the provision of good information systems, be they libraries, archives, databases, or reporting and monitoring systems. The term is used in conjunction with a range of related and complementary terms such as scrutiny, accountability, audit, disclosure, and it has considerable elements in common with freedom of access to information. Statements on transparency frequently start by citing the same Article 19 of the Universal Declaration on Human Rights that can be seen as the basic rationale behind the activities of the information professions.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

This same formulation is vital for a range of human rights NGOs; it underpins the work of investigative journalists and broadcasters; writers and publishers associations justify the work of their members in its light; and it also has implications for the accountants and economic regulators who seek to induce the business world to operate in a climate of financial transparency. What transparency (and Article 19) means in terms of establishing a polity in which corruption will not thrive tends to take a number of specific forms. The following will be briefly outlined here as an introduction to some of the main elements of public transparency:

- Open government and public scrutiny;
- Freedom of information laws;
- Protection of public interest disclosure;
- Financial accountability and auditing;
- Investigative journalism;
- Civil sector campaigning.

Probably the best starting point is the concept of open government and public scrutiny. It is rooted in an elected legislature, distinct from the executive arm and supported by an independent and impartial judiciary. Parliamentary scrutiny of the executive through the opportunity to question and debate the decisions of ministers in the legislative chamber, and a system of non-partisan specialist review committees are essential. However, open government goes much further than this. In a system of open government the meetings of not merely the legislature, but the committees that work of specific issues are open to the public. Government financial accounting is full and promptly delivered. Planning documentations, and minutes of decisions are all open to public inspection and consultative forums are called as a matter of course whenever appropriate. A system of ombudsmen permits the citizen to follow up cases of maladministration. The same systems and standards are also applied to the workings of local government, and privatised government agencies. Taken together, these can be seen as aspects of a total national integrity system. (Pope, 2000) Yet open government, as can be seen from this, is much more a culture than it is a system. It calls for politicians and officials who will accept the disciplines that it requires rather than seeking to evade or delay. It also relates very closely to other sources of transparency.

Arguably, the cornerstone of open government is freedom of information legislation. In Sweden there has been a law in force since 1766 granting free

access to all official documentation. These rights go far beyond what is offered by the freedom of information legislation of most other countries. In fact the European Commission recently accused Sweden of infringements of Community Law because Commission documents regarded as confidential were released to enquirers under their law. (Campaign, 1996) However, the best-known freedom of information is probably the US law of 1966 that has been used to expose political scandals, throw light on the administrative process, and also provide corporations with valuable business intelligence held in government files. Freedom of information laws cut against both the secretiveness of those in power and the laxity of record keeping in official bodies. The UK Freedom of Information Act 2000 does not come into force until January 2005 because the process of bringing record keeping and pro-active disclosure up to standards capable of providing the information that enquirers might require was considered so big a task that implementation could only follow a lengthy delay. The current state of right to information legislation throughout the world varies greatly, as a survey of the legislation worldwide reveals (Mendel, 2003). Where they do exist, these laws contribute a central structure for the operation of transparency. Yet they are far from guaranteeing it unaided, and what is more, they are frequently hampered by over generous exemptions allowing administrators and politicians to avoid inconvenient revelations. Daruwala (2003) illustrates aspects of the way that these laws are implemented in practice in the (British) Commonwealth countries, and the difficulties involved do emerge from this.

The courage of individuals who are prepared to reveal information that they may be contracted or otherwise obliged to keep confidential is an indispensable complement to formal structures for freedom of information. These are the so-called whistleblowers (Calland and Dehn, 2004). Just one recent example from the many available is that of Katharine Gun, a translator at the British GCHQ security centre. At the beginning of 2003 she revealed a plan by US National Security Agency officials to involve Britain in using surveillance devices against diplomats of various countries who could influence United Nations Security Council decisions on the invasion of Iraq. (Burkeman and Norton-Taylor, 2004) She was charged with infringing the UK Official Secrets Act and it was not until a year later that the case against her was dropped. In fact British law does contain one of the world's stronger measures to protect the disclosure of confidential information in the broader public

interest. This is the Public Interest Disclosure Act of 1998, but it does not apply to prosecutions under the Officials Secrets Act. Despite this, Katherine Gun's defence that her conscience required her to make the revelation was entirely in the spirit of this Act, and the dropping of the case implicitly recognised the justice of this claim. Thus in an indirect way the case shows the significance of public interest disclosure legislation.

From another direction, transparent financial reporting is also essential. The whole business structure that depends on limited liability companies trades the protection of the personal finances of investors in a company, on the one hand, for full, prompt and accurate public accounting, on the other. A series of recent scandals, of which the name Enron has become emblematic, shows the extent to which this system struggles to deliver. (Johnson, 2004) Governments likewise have an obligation to both their international creditors and their own citizens to present accurate and honest budget information. The International Monetary Fund (IMF) has laid down principles of government fiscal transparency that include: full and timely information on past, current and projected fiscal activity; the policy objectives of the budget and their policy basis; classification of budget data to permit analysis; and the subjecting of fiscal information to independent public scrutiny. (Alt, 2002) The role of good record-keeping in both business and public financial accountability is also apparent. A recent report of a Zimbabwean Parliamentary Public Accounts Committee gallantly drew attention to the way in which poor accounting and data capture contributes to the inability of the Ministry of Finance and Economic Development to manage public finances. The subtext of this was, of course, the way in which this facilitated corruption and the misappropriation of funds. (Tsiko, 2004)

A free and independent press is essential as a means of bringing to public notice what is revealed by these and other mechanisms. Investigative journalism feeds on what is revealed by open government and laws that facilitate access to information, but ideally it takes matters a step further. (Waisbord, 2001) There is generally an element of detective work when journalists seek to reveal wrongdoing that affects the public interest and methods that in themselves are ethically questionable (deceptive interviewing techniques or the used of concealed recorders and cameras) are often used. Unfortunately press pursuit of sleaze, defined as 'The way some politicians have used their power to feed their private desires for money or

sexual satisfaction' (Basten, 2000) has reached frenzied levels in some countries. This threatens to undermine the press's important contribution to transparency, as influential sectors of public opinion begin to perceive this as edging over into abuse of legitimate personal privacy, particularly when it involves those outside political life. (Travis, 2004) The concentration of press ownership to a small number of owners (most notoriously Silvio Berlusconi, the prime minister of Italy) also raises doubts about press impartiality. Despite this, the press remains a crucial instrument of transparency.

The last element we will discuss here is the role of campaigning civil society organisations. In a sobering warning, Johnston (1997, p.82) points out that:

Transparent procedures mean little if there is no external monitoring: corrupt states abound in inspectors, commissions of enquiry, and record keeping requirements that create and conceal corruption rather than reveal it, because no one outside the state can demand a meaningful accounting. Without a strong civil society to energise them, even a full set of formally democratic institutions will not produce accountable, responsive government.

The point is well made. All of the elements outlined above, and all the others that would be discussed in a fuller discussion of transparency, are vulnerable and in need of the support that a whole integrity system can offer. The whistleblower, the most vulnerable of all, needs the press to report the wrongdoing that is exposed, civil society organisations to provide shelter, legal advice, moral support and logistical backup, laws that recognise the concept of the public interest, responsive institutions and all the paraphernalia of open government to justify disclosure. International and national NGOs are often the moving force behind changes in the system and instigators or supporters of challenges to corruption of all types in high places or low.

A Role for ICT

The implications of transparency for information professionals, defined as widely as possible - records managers, archivists, information officers, computer systems managers, librarians, writers, journalists, publishers and editors - have been hinted at already. Those who deal with official documentation are professional beneficiaries of the demand for

more intensive and effective management of records to serve the demands of freedom of information legislation. They also bear some of the most obvious burdens of responsibility. McKemmish and Acland (1999) show very clearly the way in which failures in public accountability and in record keeping typically go hand in hand. Information professionals might easily feel both threatened and stimulated by the challenges that their role in the creation of transparency offers. The stimulus frequently takes the form of a sense that ICT systems offer exceptionally appropriate facilities by which transparency can be offered direct and in particularly immediate forms to the public for whom it is ultimately intended. There is little point in rehearsing at great length just how appropriate computerised systems are for the capture, storage, organisation, display and presentation of information. Nor is it hard to imagine the ways in which communication technology (radio, TV, the Internet and related systems) can deliver this information swiftly and accurately to the most widely distributed recipients.

What is interesting is the notion that ICT may possibly offer some answers especially appropriate to the problem of the petty corruption of officialdom and the way that it bears particularly heavily on the poor. At first this may seem a ridiculous suggestion. Poverty is precisely the reason why the poor are classed as falling within the category of the information-have-nots when access to ICT is considered. Computer ownership might well be the norm in a majority of homes in the industrialised countries, but those homes that do not have it are mainly those of a poorer underclass. When we turn to the less developed countries, access to ICT in the home is the privilege of a minority measured in single percentages points, and access at work or public institutions is not a great deal more common. Yet the urgency of the problem is also greater. As Gopakumar (2001) puts it:

Information barriers and asymmetry are often quoted as major contributing factors to the widespread prevalence of systemic corruption. The situation is acute in the interface between monopoly services provided by the government and service recipients (citizens). Where exit options do not exist, 'voice' mechanisms become the only viable and potent avenue to facilitate better response and demand more accountability.

Faced with this level of extreme need, it would be foolish to neglect all the things that make ICT a

uniquely agile means of providing of information. Records can be managed most effectively using computers, databases of information for the citizen can be updated in real time, information can be read simultaneously at many separate locations and it can be delivered onscreen, in print, speech simulation and other formats.

If the will to create transparency is there in reforming governments or campaigning NGOs, there may be ways to overcome the most obvious of the difficulties. Public institutions and corporations in the developing world are already informatised to substantial degrees, meaning that the databases that can be used as a basis for transparency may often be in existence. At the same time an ICT centre movement is bringing access, admittedly on an experimental basis, to disadvantaged communities in a number of developing countries. (Caspary, G. and O'Connor, D., 2003) Ways of linking these two trends need to be explored, but this does not necessarily need to take high tech forms. For instance, comparatively simple response systems such as toll free telephone lines can be installed to link public enquiry centres to sources of computer-held information. Examples of such systems in practice can be found in the Indian state of Kerala. (Kumar, 2002) Electronic citizens' databases have been created in institutions such as the Public Distribution Service, which is responsible for the rationing of essential supplies to the poor. Electronic information kiosks in villages provide networked access to official electronic services. These initiatives and many more form part of a major e-government initiative which uses free software as far as possible, seeks to standardise systems between government departments and agencies, and is developing data warehousing facilities. Kerala's example is particularly valuable because it presents a particularly clear vision of a role for ICT in the efficient delivery of public services and, by extension, the struggle against corruption.

Conclusion

The potential of ICT for transparent delivery of public services and a consequent limitation of the scope for corruption exists. The challenge is to take the ideas and comparatively tentative beginnings into countries with a variety of different circumstances and find ways of inserting them effectively into corrupt and hostile, or merely indifferent and apathetic, service provision environments. This is precisely what a project, with which the author is involved as academic consultant,

seeks to do. It is funded by the UK Department for International Development (DfID) from January 2004 to June 2005 and has sub-projects in India, Pakistan, Croatia and Nigeria. Each sub-project is addressing a different problem (in India, access to the facilities of an underused public maternity hospital; in Pakistan, the provision of an e-complaint centre for a local government unit; in Croatia, information on waiting lists for hospitals and nursing homes; and in Nigeria information on school places in a region with very low take up of schooling). Each is also being addressed by a different combination of ICT facilities. The outcome is expected to contribute to the development of generally applicable principles for using ICT to provide specifically pro-poor transparency. There is a great deal to be done before the approach can be regarded as solidly established and there is a dangerous paradox at the heart of it. The progress of transparency is dependent on political will and the strength of civil society in countries where corruption is very deeply rooted as a response to the problems of survival and progress. Nevertheless societies do change and the direction of change can be for the better if the conviction is there and the methods to bring about change are sufficiently known.

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Proceedings of the symposium "Localizing the Internet. Ethical Issues in Intercultural Perspective" sponsored by Volkswagen*Stiftung*, 4-6 October 2004, Zentrum für Kunst und Medientechnologie (ZKM, Karlsruhe)