

CORRUPTION, TRANSPARENCY AND A ROLE FOR LIBRARIES

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INTRODUCTION

Corruption is universal. Everyone has at some time been tempted to give or accept an inducement to act in a way that does not conform to ethics and law. Most people have given into that temptation on occasion, even if only very rarely and in small matters. Wherever there are transactions that offer the opportunity for personal advantage or profit someone, somewhere will take advantage of that opportunity. Corruption can be such a part of life that citizens of a badly corrupt country may scarcely imagine that it can be reduced or eliminated. Nevertheless, condemnation of corruption is a universal theme of conversation and political debate worldwide. People long for an honest, predictable, corruption-free world. They also tend to despair that it can ever be achieved. The example of one country, Kenya, chosen almost at random, can illustrate this.

For reasons that may not seem wholly obvious, British politicians and diplomats have spoken out unusually sharply about corruption in Kenya in recent years. On an official visit in 2006, the UK Minister of State for Foreign Affairs said that:

Kenyans can be bought: from the person who works at the docks in Mombasa up to the government. You can buy off politicians; you can buy off policemen. The weakness has been recognised by drug traffickers and probably by terrorists too. (Rice, 2006)

Two years earlier, the UK High Commissioner in Nairobi, Edward Clay, had accused the Kenyan government of wholesale corruption.

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)

On the surface this might like a principled stand by representatives of a country that considers itself free from corruption against a particularly corrupt country. (Doig, 2003) Actually the subtext is clear in the statements: Britain fears the corrosive effects on trade and international stability of an excessively corrupt regime in Kenya. Britain is certainly not free from corruption itself, but it had hopes that the problem in Kenya would be reduced with the election of the new government of President Mwai Kibaki in 2003 on anti corruption manifesto. However, the notorious corruption that

pervaded every aspect of the country's life under his predecessor Daniel arap Moi was certainly not eliminated, and probably little reduced. It continues not only to effect the nation's international standing, but to make the lives of individual Kenyans even more painfully difficult than they need to be.

The question that this raises is, if even politicians who are pledged to cleanse the system cannot resist temptation themselves and leave the problem unsolved, can anything be done at all? Are we condemned to accept corruption, however much we hate it? The idea that the information professions, librarianship in particular, can make a significant contribution to a struggle against corruption may seem extremely unlikely. However, in the concept of transparency, and the suggestion that it is the key to eliminating corruption, there is a strong basis for the involvement of the information professions. This paper will first discuss some aspects of the nature of corruption that may throw light on this, before outlining the idea of transparency and saying something about the way in which the information professions can play a part in an effective struggle against corruption.

CORRUPTION

Two main ways can be identified in which corruption manifests itself. 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 Moi in Kenya and Mobuto in Zaire are particularly contemptible because of the way in which the national wealth that was in the care of these rulers has been taken out of their countries by their 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, 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. The corruption has not even recycled the money within the national economy.

The second is the incidence of petty corruption of those, including the police, the judiciary, government and local government officials, public utility workers, 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 pervasive way that it sometimes needs journalists and other commentators to remind people that it should not be taken for granted. 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 officials and so prevents the utter collapse of overstretched public services. 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 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.

Because the effects of corruption so obviously distort the processes of government and of everyday life, to the disadvantage of the many and the advantage of the few, there is a temptation to discuss it purely in moral terms. This is completely understandable, but it does not necessarily reflect the way corruption functions in practice. Although it may seem a dangerous line of investigation, it is helpful to examine the workings of corruption in a more dispassionate way. In the 1960s one or two social scientists began to take a look at the operation of corruption in developing economies without adopting a moral stance. 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.

Britain's so-called Glorious Revolution of 1688 may not have been so glorious that many people other than historians to remember it. However, it does to a surprising extent deserve its name and its effects rank alongside those of the much better known American, French and Russian revolutions. What happened, with very little loss of life and disruption, in 1688 was that the power of the state, as represented by the crown, was subjected 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) An important aspect

of these changes was that they all let a little transparency into the system. The effects were not, however, immediate.

After 1688 Britain was an enormously successful society developing securely and swiftly in a host of ways, but ruled through a system sometimes 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 there were 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 crucial thing was that there was enough transparency in the system to provide a basis for the efforts of politicians and campaigners to improve government and society. Informed public debate was the norm and change followed slowly, but surely, thereafter. By the twentieth century Britain was mercifully free from most of the worst phenomena of corruption and, at the beginning of the twenty first century, it still ranks very low in the international indices of corruption (Transparency International, 2003). The point in mentioning 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. It will be argued here that transparency is an essential aspect of those mechanisms.

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. Forming an essential part of all of them, is increased transparency. The reason why transparency is so consistently advocated is 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.

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.

Open government

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 on specific issues are open to the public. Government financial accounting is full and promptly delivered. Planning documentation, 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.

Freedom of information laws

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 not long ago 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 law 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 did 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 a picture of the difficulties involved does emerge from this.

Protection of public interest disclosure

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 Official 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.

Financial accounting and audit

From another direction, transparent financial reporting is also essential. The whole business structure that depends on limited liability companies exchanges 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. This is then subject to audit. As Power (1997, p.124) puts it:

The general idea is that the audit process, and related forms of accounting for performance, open up organisations to independent external scrutiny and thereby provide a basis for enhanced control by those parties with the legitimate right to exercise it.

The parties he is referring to include shareholders, employees, customers, suppliers and subcontractors, and the regulatory agencies that act on behalf of the general public. Auditors look in depth at the internal management control systems and their functioning, which reveals much about the overall financial management of the company. The system should be adequate to detect and eliminate employee fraud, but management's control of the systems means that they have the scope to conceal their own practices, at least for a time. 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) Nevertheless, audit is the means by which financial dishonesty and mismanagement are eventually made transparent.

Investigative journalism

A free and independent press is the essential 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' (Baston, 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. The concentration of press ownership to a small number of owners (most notoriously Silvio Berlusconi, the former prime minister of Italy) also raises doubts about press impartiality. Despite this, the press remains a crucial instrument of transparency.

Civil Society campaigning

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 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.

Yet arguably the mix is not complete without the contribution of the information professions, including librarianship.

A ROLE FOR LIBRARIES

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. A particularly obvious point is the way in which the records managers, who deal with official documentation, have a responsibility to meet the demand for more intensive and effective management of records to serve the demands of freedom of information legislation. McKemish and Acland (1999) show very clearly the way in which failures in public accountability and in record keeping typically go hand in hand. A fairly recent report of a Zimbabwean Parliamentary Public Accounts Committee gallantly drew attention to the way in which poor accounting and data capture contributed 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) So far this is obvious, but what about libraries?

The library has traditionally been there for the personal development of readers. The national systems of schooling provide for the formal education of citizens and the library both supports this, and allows citizens to go much further through self education. It is obvious how this contributes to the economic and social development of the nation, and how libraries when they perform an information function (as do research and special libraries) contribute even more directly to national development. The library also contributes to the democratic process by offering citizens the opportunity to expand their political knowledge beyond what the daily media (newspapers, magazines, radio, and TV) provide. It is in connection with this democratic function of the library, and in the way the library helps build a strong civil society that its transparency function can be identified. However, the precise nature of how this transparency function can be strengthened has seldom been fully explored.

There has probably been more experimentation with the capacity of public ICT access to contribute to transparency than there has with libraries. There is an ICT centre movement that is bringing access, mainly on an experimental basis, to the population as a whole in many developing countries. (Garai and Shadrach, 2006) The transparency implications of this are not lost on its promoters. For instance, a discussion of such systems in practice in the Indian state of Kerala by Kumar (2002) describes how electronic citizens' databases have been created, with information kiosks in villages providing networked access to these electronic services. 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. In few or none of such accounts do we find the library mentioned. There is surely scope to ask questions as to why this might be.

In Zagreb on December 9th 2006 there is a chance to explore these and related questions. IFLA FAIFE, as one of the partners in this meeting, hopes to obtain material for a draft statement on Libraries and the Struggle against Corruption that

can be debated (and, hopefully adopted) at a further meeting in South Africa in August 2007. This is a something of a pioneering process and at present there are more questions than answers. Such questions include: can libraries effectively acquire transparency-related publications and databases; can they provide information services that deal with laws, rights and entitlements; can they liaise effectively with civil society organisations; can (and should) they campaign to improve the laws on information access? All of this requires imagination and a certain amount of courage. There is a dangerous paradox at the heart of the argument that libraries should be involved with the struggle against corruption. The progress of transparency is dependent on political will and the strength of civil society in countries where corruption is strongly rooted. What can librarians and their institutions if allies are lacking? There may seem to be little, but societies do change and the direction of change can be for the better if the goodwill is there. The chance to contribute towards the creation of less corrupt societies is offered in Zagreb and if the good will is there, it can be the start of something very significant

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