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# NEWS

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## DETAILS

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## THE MEDIA

A free media ranks alongside an independent judiciary, as one of the two powers that should not be held accountable to politicians. Both serve as potent counter-forces to corruption in public life and both must receive special protection. Unlike judges, public prosecutors and attorneys-general, the privately owned media is not appointed or confirmed in office by politicians. Without a free media, civil society is crippled, both by a lack of information and an inability to engender public debate.

### PRINCIPLES OF A FREE MEDIA

Governments should embrace a basic set of principles to shape approaches to the media. In general these argue against legislation and restriction.<sup>1</sup>

An example is set out in the *Charter for a Free Press* approved by journalists from 34 countries at the Voices of Freedom World Conference on Censorship Problems.<sup>2</sup> Then United Nations Secretary General, Boutros Boutros-Ghali declared that “They [the Charter’s principles] deserve the support of everyone pledged to advance and protect democratic institutions.” He added that the provisions, while non-binding, express goals “to which all free nations aspire.”

The Charter reads:

- *Censorship, direct or indirect, is unacceptable; thus laws and practices restricting the right of the news media freely to gather and distribute information must be abolished, and government authorities, national and local, must not interfere with the content of print or broadcast news, or restrict access to any news source.*
- *Independent news media, both print and broadcast, must be allowed to emerge and operate freely in all countries.*
- *There must be no discrimination by governments in their treatment, economic or otherwise, of the news media within a country. In those countries where government media also exist, the indepen-*

*dent media must have the same free access as the official media have to all material and facilities necessary to their publishing or broadcasting operations.*

- *States must not restrict access to newsprint, printing facilities and distribution systems, operation of news agencies, and availability of broadcast frequencies and facilities.*
- *Legal, technical and tariff practices by communications authorities which inhibit the distribution of news and restrict the flow of information are condemned.*
- *Government media must enjoy editorial independence and be open to a diversity of viewpoints. This should be affirmed in both law and practice.*
- *There should be unrestricted access by the print and broadcast media within a country to outside news and information services, and the public should enjoy similar freedom to receive foreign publications and foreign broadcasts without interference.*
- *National frontiers must be open to foreign journalists. Quotas must not apply, and applications for visas, press credentials and other documentation requisite for their work should be approved promptly. Foreign journalists should be allowed to travel freely within a country and have access to both official and unofficial news sources, and be allowed to import and export freely all necessary professional materials and equipment.*
- *Restrictions on the free entry to the field of journalism or over its practice, through licensing or other certification procedures, must be eliminated.*
- *Journalists, like all citizens, must be secure in their persons and be given full protection of law. Journalists working in war zones are recognized as civilians enjoying all rights and immunities accorded to other civilians.<sup>3</sup>*

Freedom of expression and freedom of the media are among the most basic human rights and an essential component of any democratic society. A

free, independent and pluralistic media is essential to a free and open society and to accountable systems of government.

The OSCE participating States have already declared their commitment to the principle of a free, independent and pluralistic media, and did so in the Helsinki Final Act of 1975. This has become a guiding concept for all OSCE participating States as well as an integral part of all OSCE documentation regarding freedom of expression, from 1975 to the present day. In order to strengthen the implementation of their commitments regarding freedom of expression, in 1997 the OSCE participating States decided to establish the unique institution of the OSCE Representative on Freedom of the Media.<sup>4</sup>

The OSCE Representative on Freedom of the Media has outlined a number of issues of general concern in Eastern Europe and the former Soviet Union. Paramount among them is “structural censorship”; i.e., indirect pressure on the media from existing political and economic structures that are often remnants of the past. “Structural censorship,” just like any other form of censorship, can effectively kill a free media. Outside the channels of government-owned media, the media is self-appointed and generally sustained by a public that sees the privately owned media’s output as valuable and so consumes its products, be they print or electronic.

*An essential pre-requisite for any free media is a legal guarantee of freedom of expression, a provision found in most constitutions.*

## INDEPENDENCE OF THE MEDIA

Who should be the guarantor of a free media? Censorship of the media takes many forms and raises its head in almost all countries. Few have legal systems which guarantee absolute freedom of the media.

The First Amendment of the Constitution of the United States, as tested before the U.S. Supreme Court, comes as close to guaranteeing a society free of censorship as any particular legislative act.

The Constitution of Malawi enshrines the concept of the freedom of the media not once, but twice, and in the following terms:

*“Every person shall have the right to freedom of expression”.*

*“The press shall have the right to report and publish freely, within Malawi and abroad, and to be accorded the fullest possible facilities for access to public information”.*<sup>5</sup>

Laws declaring freedom of expression require support and enforcement from the courts. A prerequisite for building a free media, therefore, is a legal system that is independent of political influence and has a firm constitutional jurisprudence supporting the concept of a free media. Judges can draw strength from Article 19 of the International Covenant on Civil and Political Rights, which states:

*Everyone shall have the right to freedom of opinion and expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*

## THE STATE-OWNED MEDIA AND PUBLIC SERVICE BROADCASTING

Some argue that the state has no role to play in owning mass media. Few, however, would argue against the concept of public service broadcasting.

Public service broadcasting has three essential features. It has objectives that differ from those dictated by the market; these are to inform, to educate and to entertain across genres; and, above all, it is free to everyone as a truly public service.

Broadcasting markets exhibit market failure. Leaving broadcasting entirely to the market would result in programs that do not reflect what even well-informed viewers and listeners would want to see or hear. The market, left to itself, could produce a glut of violence and pornography, which is not what many consumers want. A key role for public policy is, therefore, to correct these failings.<sup>6</sup>

In many countries, the government itself is the largest media owner (often of the leading television and radio stations) – a situation which undermines the very concept of ensuring the genuine independence of the media from the influences of the state. The rights of journalists in state-owned media enterprises and the degree of freedom they enjoy are sometimes, but not always, stipulated and guaranteed in law. Any lack of legislation and regulation in this context can be a direct threat to the independence of the media.

Perhaps the best model is that of the British Broadcasting Corporation (BBC). Established by an act of the Executive (a Royal Charter), the body periodically enters into a formal agreement with the government about the terms for its existence. The present agreement is for a period of ten years so it is not tied to the term of a government. The institution is funded through a government levy on viewers. Para 2.1 (the very first substantive section) reads:

*2.1. The Corporation shall be independent in all matters concerning the content of its programmes and the times at which they are broadcast or transmitted and in the management of its affairs.<sup>7</sup>*

Invariably, there is a contest between the government of the day and the BBC, whose governors, although government-appointed, have sought to defend their independence when criticized by the government. In this, they are fortified by a strong body of public opinion in support of an independent public service broadcasting body.

An alternative is the American public broadcasting system, which is supported by a combination of member donations, federal appropriations, grants and endowments from non-governmental organizations and corporate sponsors, and tax-based revenues from federal, state and local governments. PBS, the Public Broadcasting Service, is the system's television branch, and radio programs are broadcast through NPR or National Public Radio. Despite the common perception that the system relies primarily on government funding for its existence, private sources in fact account for 75 percent of all funding.<sup>8</sup>

## RESTRICTIONS ON OWNERSHIP

Private media ownership carries with it the danger of the mass media conglomerate. A concentration of media ownership in too few hands can drown out dissenting voices and constitute a threat to democracy through its ability to manipulate the opinion of the electorate. This is a menace that calls for strong and principled regulation to restrict mergers and takeovers. Countries should ensure that there is always competition in the media market-place. This is increasingly difficult to manage in a globalized world, and particularly in an age of satellite television. However, with the growth of the Internet, the ability to convey news has to some extent been democratized. This can carry another set of problems, but it does mean that global communication is no longer the exclusive preserve of powerful.

The United Kingdom is also one of the countries that aims to foster a diversity of ownership. There are bans on media holdings by local authorities; political organizations; religious organizations (regulators have discretion to waive this in relation to some services); publicly funded bodies; advertising agencies and bodies the regulators consider already to have undue influence. There are also bans on cross-media ownership, which limit the growth of media companies with radio, television and print media interests.<sup>9</sup>

## RESTRICTIONS ON CONTENT

Restrictions on widely accepted rights of freedom of expression relate to the rights or reputations of private individuals, matters of national security and bans designed to protect the public interest which can be reasonably justified in a democratic society (e.g., bans on pornography and pedophilic material).

Article 10 of the European Convention on Human Rights reads:

*1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not*

*prevent States from requiring the licensing of broadcasting, television or cinema enterprises.*

2. *The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or the rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*

Although many journalists would accept that such restrictions are reasonable, they would almost all agree that they must be narrowly interpreted. Criminal libel and defamation claims can be used to intimidate or even to imprison and bankrupt journalists and media company owners. Worse still, the same laws can be used to muzzle, bankrupt and imprison political opponents when they criticize a ruling regime.

While the legal and regulatory frameworks should provide appropriate protection for the reputations of the innocent, these ought not, for example, provide restrictions that may prevent the media from publishing matters simply because these could damage the public reputation of public office holders. To do so would undermine freedom of expression. A decision by the European Court on Human Rights held that the politician “inevitably and knowingly lays himself open to close scrutiny of his every word and deed by both journalists and the public at large, and must display a greater degree of tolerance”<sup>10</sup>. Laws should distinguish between honest and wilful or malicious mistakes in reporting, and allow for prompt apologies to count for much when the defamatory publication is not intentional.

### **THE BURDEN OF PROVING THE TRUTH – THE DANGER OF PUBLISHING IT**

In recent years a number of governments have introduced legislation which stipulates severe penal-

ties for journalists who publish articles that may be viewed as insulting to holders of high government office. In some cases, these laws make no distinction as to whether media reports are truthful or not. In other words, the fact that a journalist wrote the truth about improper acts by leaders of the government would not be viewed by the courts as a defense in cases where anti-insult laws are applied. These laws amount to forms of intimidation and censorship which can be particularly advantageous to corrupt officials. In this regard, anti-insult laws should be subsumed within libel law. Much better examples are provided by French and by German law.

In France, a defendant can use pleas of truth, good faith and privilege. Truth is an absolute justification, except in criminal or civil cases where the matter is protected under the law of privacy, is more than ten years old, or the matter is subject to amnesty, rehabilitation, limitation or successful judicial appeal. Defendants unable to establish the truth can present evidence of good faith, such as a belief in the truth of the statement; deadline pressures; a desire to inform the public; the use of the word “allegedly”; or that the statement originated from another source.

The balance in Germany is also a sound one. The German media enjoys constitutional freedom of expression, which limits the effect of libel claims against them, and defamation damages awards are lower than those of the US and other countries such as the United Kingdom.

Criminal defamation law in Germany recognizes three distinctions: insult, slander and malicious defamation. Insult is an attack on the plaintiff’s honor which tends to lower the victim’s reputation to society at large. Slandorous statements must have been communicated to a third party and must lower a person in the estimation of right-thinking members of the community. The malicious defamation offense concerns the deliberate and intentional dissemination of false factual statements that are either defamatory or cause harm to the person.

Defenses for both civil and criminal defamation suits are: truth, legitimate public interest, and comment and critical opinion. Although truth is a good defense, it is not always a complete defense. Legitimate public interest is a defense that applies



solely to statements of fact. German courts look favorably on defense pleas when public interest issues are at stake. There is also a strong emphasis on corrections of publishing errors through retractions and apologies and damages are regarded as a secondary remedy.

The OSCE Representative on Freedom of the Media has also outlined the misuse of libel and defamation laws by government officials that may often lead to the closure of independent, and especially opposition, media as a major concern. The use of libel and defamation can infringe on the corrective function of the media in reference to important government or business decisions, and can have a particularly chilling effect on journalists' investigations of corruption.

Frequently, in some transition countries, investigative journalists, who write about malpractices in public institutions, are pressured to reveal their sources; i.e., the identities of whistleblowers within the system. This fact outlines the importance of Recommendation R (2000) of the Committee of Ministers of the Council of Europe that journalists have a right not to disclose their information sources.

### **GOVERNMENT INFLUENCE THROUGH PLACING OR WITHHOLDING ADVERTISING**

In many countries, there is very little advertising money available to support the media. As a consequence, the media is poorly funded and dangerously dependent on advertising revenue. Major advertisers (of which the government is usually among the most prominent) exert enormous control over content. As well, political and business entities have a wide scope to bribe reporters (who tend to be very poorly paid) to write stories that serve their political and business interests. In these types of situations, the media frequently fails to perform its watchdog role.

There should be clear rules regarding the placement of publicly funded advertisements.

### **CONTROL OF THE PRESS THROUGH THE REGISTRATION OF NEWSPAPERS AND JOURNALISTS**

Licensing of newspapers is used in some countries as a way of controlling the press. The only legitimate rationale for imposing a licensing requirement is to ensure that a newspaper has a registered address where legal process can be served in the event its proprietors breach the law.

Requirements for the licensing of journalists can take many forms and frequently represent a form of intimidation. In some countries, governments seek to regulate the licensing of media enterprises and their employees directly, while elsewhere there may be media trade unions that seek to force restrictive practices on their members. Licensing practices do not serve the public interest and there is no valid reason to support them. The elimination of media licensing should embrace foreign correspondents; they should always have as much access to information and as much opportunity to practice their profession as do all local journalists.

### **CENSORSHIP AND ACCOUNTABILITY**

Any form of restriction on the media should be consistent with the European Convention on Human Rights quoted above.

The critical factor in all issues concerned with restricting freedom of the media is that the limits be publicly debated and that they be interpreted by a fully independent judiciary composed of individuals of the highest integrity.

However, in many emerging democracies the media's experience is limited and the temptation to be less responsible is significant. A legal system which, in essence, provides full scope for the media to be irresponsible, may actually damage the growth of an emerging democracy. In one country in transition to democracy, election observers considered the media and its extravagant reporting to be the greatest threat to the election processes.<sup>11</sup>

Press councils can be established either by the media themselves as an act of self-regulation or by

the state. They can be constructed so as to provide an open forum for complaints against the media by the public, to chastise the media when it is irresponsible, influence (to a degree) its behavior. It has to be said, however, that the record of press councils is generally not particularly impressive; too much should not be expected of them.

Press councils need to be independent and directed by people widely respected for their non-partisan standing and their integrity. These bodies should not have powers of legal sanction, which could enable them to become over-bearing censors. Rather, they should have the prestige and integrity that give their reports strong moral force. A useful requirement is for the subject of a complaint to be required to publish, in full and unedited, the findings of the press council when a complaint against it has been upheld.

A very fine line exists between responsible and irresponsible journalism. As such, time and place are important factors that should influence judgements. Indeed, the moral force of a press council is a better way to secure a responsible media than to provide governments and courts with wide-ranging powers to curb it.

Assertions of media irresponsibility often lead to calls for laws and systems that guarantee only a “reasonably” free media. Experience shows that the term “reasonably” is highly subjective, and that acceptance of it in this context can be the first step down a slippery slope towards diverse forms of censorship.

The safest and most effective system in a democracy for guaranteeing freedom of the media is one where the media itself is empowered to make careful judgements on its own. To provide publishers and journalists with freedom is also to burden them with difficult decisions regarding public responsibility. Through the responsible judgements of editors and journalists, combined with consistent judicial support, a tradition and culture of media freedom develops. This culture is, above all, the most important guarantor of media freedom and of the ability of the media to fully operate as a watchdog over public office holders. The tradition must provide for the media to be tough in its scrutiny of the work of those who enjoy the public trust.<sup>12</sup>

The media culture, as is evident in many democracies today, must involve a sense that it is the duty of the media to “afflict the comfortable” (those holding public office), in order to “comfort the afflicted” (the public at large).

There is no question that such a culture can, at times, lead to media irresponsibility. This is an inevitable price to pay. An independent, wise judiciary and an effective press council, may be able to assist in curbing excesses in such times. Nevertheless, societies should be willing to pay some price for the greater good of securing media freedom. There is merit in accepting the basic spirit, if not the total and literal statement, of the view of Lord McGregor of Durris, chairman of the UK Press Complaints Commission, that:

*a free society which expects responsible conduct from a free press must go on tolerating some “often shocking” irresponsibility as the price of liberty, because a press which is free to be responsible must also be free to be irresponsible.”<sup>13</sup>*

## CODES OF ETHICS FOR JOURNALISTS

An example of journalists accepting their responsibilities and laying down professional standards with obligatory ethical limits was given when the parliament of the Slovak Syndicate of Journalists prescribed the following standards for its members:<sup>14</sup>

### I. The journalist and the public

*The journalist will do everything which is necessary to give the public veracious, precise, verified, complete and professional information. The veracity of information necessitates that the facts as its base are given as objectively as possible, in their real context, without any deformation or withholding of the circumstances, with appropriate use of the journalist’s creative abilities. If some facts cannot be verified, it is necessary to mention this. The journalist can freely express personal or group opinions within the limits of the pluralistic context of ideas provided he does not violate the civil rights of another person or group of persons and provided he does not menace societal morals. At the same time, he himself has to respect the*

*request for a free exchange of opinions and for a free flow of information. He always respects the measures of good taste and the suitability of his means of expression.*

*He has a right and a moral duty to refuse the publication of such information as he finds untrue, half-true (deformed), speculative, incomplete or commercially directed (the so called "hidden advertisement").*

*If the journalist publishes untrue, half-true (deformed), speculative or incomplete information, he must rectify it by including the publication of a correction or response. The correction must be published in approximately the identical graphical arrangement, the best way in the same place as the information being corrected. The rejoinder of the author of the original information should not be supplemented by the response so that one party does not have permanent advantage.*

*Accusations without proof, misusing of trust, profession or media, for a personal or group benefit, falsification of documents, deformation of facts, any lie and purposeful withholding of the knowledge of the violation of law and societal morals are regarded by the journalist as the greatest professional guilt.*

## **II. The journalist and the object of his interests**

*The journalist takes over the responsibility for everything published by him. Without the consent of the respective person, he is not allowed to defame this person, or to interfere with his private life unless this person acts against the law or causes public offense.*

*For the sake of objectivity, the journalist tries in the course of preparation of his work or its realization to let all the persons concerned speak.*

## **III. The journalist and the information source**

*The journalist has an undeniable right of free access to all information sources.*

*The journalist is obliged to let his informant know about his intentions as an author immediately.*

*When collecting information, he does not use pressure.*

*He is not allowed to misuse either the events and the statements which he witnessed or the documents which he reproduced.*

*The journalist is obliged to keep his information sources secret until such time that he is exempted from this duty by the informant or by the court.*

## **IV. The journalist and editorial staff or publisher**

*The journalist has a right to such a contract that secures his material needs and his professional honor.*

*He has a right to refuse any pressure on him to act against his conviction. He only accepts orders from his superiors according to his contract.*

*The journalist has a right to be protected by his direct superior and publisher by all legal and accessible means, including the protection of his right to use a pseudonym. The journalist must not enforce private and subjective interests for his personal gain, he does not sign his own name under commercial or paid advertisements.*

*The editorial staff is entitled to be consulted by the editorial or publisher's board on every decision important for the work of the mentioned staff.*

## **V. The journalist and his colleagues**

*The journalist will not publish somebody else's work under his own name or abbreviation.*

*He may not quote from any publication without citing the source.*

*He will not offer his work for publication simultaneously to more editors.*



*Without the author's consent he does not intervene in the contents of the work.*

*He does not decrease the authority and abilities of his colleagues; during collective work he respects their needs and opinions.*

## VI. The journalist and the public interest

*The journalist holds in due respect the Constitutional State Order, its democratic institutions, the valid law and generally accepted moral principles of the society.*

*The journalist must not promote aggressive wars, violence and aggressiveness as the means of international conflicts solution, political, civic, racial, national, religious and other sorts of intolerance. The journalist shows due respect to other states and nations, and to their democratic traditions.*

*In many countries, journalists are in urgent need of training in the skills required for compiling investigative reports and to acquire perspectives and insights on international standards.<sup>15</sup>*

### INVESTIGATIVE JOURNALISM

Investigative journalism is one of the key weapons that the public can use for uncovering corrupt practices. A difficult and sometimes risky profession, investigative journalism needs encouragement and support. There are a number of rules in investigative journalism which should be fulfilled for the sake of professionalism. For example, the Bulgarian Coalition 2000 has recommended 11 such rules for the next generation of journalists<sup>16</sup>:

- *Always double check information, using at least two independent sources.*
- *Identify the entity/persons whose interests will be hurt by your investigation.*
- *Consult a lawyer, especially when investigating documentary evidence.*
- *Avoid personal qualifications in reported stories*

- *Use pseudonyms, when they cannot be avoided.*
- *Always be critical of any information, received from the police, unauthorized public officials or by victims.*
- *Never rush to publish an investigation without checking your information first.*
- *When investigating a case, it is advisable to consult a person of authority within the interior ministry or judiciary.*
- *Always try to record your interviews on cassette, including phone interviews.*
- *Your investigative methods should always be within the law.*
- *Pay your taxes. (Unpaid taxes can be used as a tool for pressuring journalists to drop stories unflattering to state authorities.)*

### CIVIL SOCIETY

Woodrow Wilson once famously observed that "Liberty has never come from the government. Liberty has always come from the subjects of it." But simply to function at all, civil society needs the minimum guarantees of freedom of association and freedom of speech.

In recent times, policy-makers have come to realize that nascent democratic institutions in transitional phases are fragile, and that market forces alone are inadequate to ensure social and economic equity without the countervailing participation of civil society in decision-making processes.

Responsible non-governmental organizations (NGOs) ensure that these processes are run democratically and accountably, but it is also true that many NGOs are run in neither fashion. Indeed, many are formed for the sole purpose of gaining aid funds from donors for the personal benefit of the NGOs' founders. Efforts are underway to foster the adoption of codes of conduct and transparent accounting practices by NGOs to help meet these criticisms. However, the driving force behind NGO reforms

should be the recognition that civil society cannot demand higher standards in public affairs than the standards to which its NGOs themselves are prepared to submit.

### THE ROLE OF CIVIL SOCIETY IN FIGHTING CORRUPTION

Civil society encompasses the expertise and networks needed to address issues of common concern, including corruption. And it has a vested interest in doing so. Most of the corruption in a society involves two principal actors: the government and the private sector. Civil society is typically the major victim. And as power devolves from the center to local authorities, opportunities for corruption shift downwards towards new actors who are in more direct contact with civil society. This means that the ability of civil society to monitor, detect and reverse the activities of the public officials in its midst is enhanced by proximity and familiarity with local issues. In discharging this role, a number of NGOs systematically monitor the media for the content of its reports.<sup>17</sup>

There is also an increasing tendency to recognize the part civil society can play by involving societies' leaders in oversight committees and in strengthening the "horizontal accountability" that lies at the heart of their national integrity systems.

One such example cited earlier are the 40 leading citizens who act as watchdogs over Hong Kong's anti-corruption agency. Another is the Anti-Corruption Prevention Unit (CPU), whereby an NGO is accredited as a CPU by the Office of the Ombudsman in The Philippines to help in the fight against graft and corruption.<sup>18</sup>

"Open budgeting"<sup>19</sup> has been introduced in a number of countries and municipalities (in parallel with improved access to information arrangements) and numerous NGOs are monitoring public procurement and elections.

In any national strategy, the professions must also play their part. Corruption and incompetence among lawyers, doctors and engineers inflicts considerable damage on many societies. These professions need to take firm action to discipline their own members – or have a government agency do it for them. There are, of course, rule of law objections to governments controlling the legal profession (some lawyers attract government attention because of the clients they represent). There is, thus, every reason to suppose that law societies and bar councils should not require much encouragement to maintain standards within their profession, subject to their having the legal authority to do so.<sup>20</sup>

A triangular relationship exists between government, civil society and sources of capital. Corruption can take root in all or any of the three parties to the relationship. It is, therefore, impossible both theoretically and in practice for just one of the parties to address the issue of corruption on its own and in isolation from the other two – and it is arguably impossible to tackle the issue effectively without the participation of all three.

Government can, therefore, provide a legal and regulatory framework which allows the necessary space for civil society to operate. This framework includes freedom of expression, freedom of association, and freedom to establish non-governmental entities. Laws governing the formal constitution of an NGO and its tax status will vary greatly, but these should be clearly understood, accessible, consistent with international norms, and not needlessly restrictive or cumbersome. Public officials handling any accreditation procedures should clearly understand that the law must be applied even-handedly, without broad discretionary powers. In this context, any requirement to register is best served where decisions are made by a court or other independent body.

## ENDNOTES

- 1 For an electronic collection of media laws from around the world, see: [http://www.ijnet.org/FE\\_Article/MediaLawsearch.asp?UILang=1](http://www.ijnet.org/FE_Article/MediaLawsearch.asp?UILang=1)
- 2 The conference was held in London, January 16-18, 1987, under the auspices of the World Press Freedom Publishers (FIEJ), International Press Institute, Inter-American Press Association, North American National Broadcasters' Association and the International Federation of the Periodical Press.
- 3 Charter for a Free Press: <http://www.wpfc.org/index.jsp?page=Charter%20For%20A%20Free%20Press>
- 4 The OSCE Representative on Freedom of the Media (FOM) observes media development in OSCE participating States and provides early warning on violations of freedom of expression. In 1997 the participating States created the office of the FOM in Vienna to monitor the freedom of expression as a fundamental human right and a basic component of a democratic society. Under the aegis of the Permanent Council, the Representative, while not exercising a juridical function, has the tasks to observe relevant media developments, to advocate and promote full compliance with OSCE principles and commitments and to assume an early-warning function. As one of the important elements of OSCE's human dimension, the FOM has the right to collect information, travel without impediment, and meet with persons and representatives of institutions without prior notice. He or she is requested to report on his or her findings to the Permanent Council of the OSCE. ([http://www.isn.ethz.ch/osce/structure/osce\\_bodies\\_e/fom.htm](http://www.isn.ethz.ch/osce/structure/osce_bodies_e/fom.htm))
- 5 Articles 35 and 36: <http://www.sdn.org.mw/constitut/chapter4.html#36>
- 6 For a full discussion, see *The Future of Communications: Public Service Broadcasting: A Discussion Document* by Andrew Graham, Balliol College, Oxford (2000) ([http://www.communicationswhitepaper.gov.uk/dti-dcms\\_comms-reform\\_experts.html](http://www.communicationswhitepaper.gov.uk/dti-dcms_comms-reform_experts.html))
- 7 For the text of the documents, see: <http://www.bbc.co.uk/info/policies/charter/>
- 8 Corporation for Public Broadcasting: Public Broadcasting FAQ: [http://www.cpb.org/pubcast/#what\\_is\\_cpb](http://www.cpb.org/pubcast/#what_is_cpb)
- 9 For details, see the UK's Communications White Paper published at <http://www.communicationswhitepaper.gov.uk/>
- 10 European Court of Human Rights in *Lingens v. Austria* (1986) 8 E.H.R. 407
- 11 Ghana Elections: Report of the Commonwealth Election Observer Group, Commonwealth Secretariat, London, 1991.
- 12 For a set of codes of ethics from countries round the world compiled by the International Journalists' Network, see: [http://www.ijnet.org/FE\\_Article/DoceEthicsList.asp?UILang=1](http://www.ijnet.org/FE_Article/DoceEthicsList.asp?UILang=1)
- 13 Quoted in [www.transparency.org/sourcebook/14.html](http://www.transparency.org/sourcebook/14.html)
- 14 International Journalists' Network, Codes of Ethics: [http://www.ijnet.org/FE\\_Article/codeethics.asp?UILang=1&CId=8352&CIdLang=1](http://www.ijnet.org/FE_Article/codeethics.asp?UILang=1&CId=8352&CIdLang=1)
- 15 The World Bank runs occasional in-country courses for investigative journalists. A more ambitious program involving training in the United States is organized by the International Center for Journalists, often in partnership with local associations of journalists: <http://www.icij.org>.
- 16 *The Media against Corruption*, Sofia, 2000, p.44-47; in Bulgarian
- 17 A Media Monitoring Manual is available at [www.media-diversity.org/resource%20categories/diversity%20manuals.htm](http://www.media-diversity.org/resource%20categories/diversity%20manuals.htm)
- 18 Republic of the Philippines, Office of the Ombudsman: [http://www.ombudsman.gov.ph/publications/cpu\\_program.html](http://www.ombudsman.gov.ph/publications/cpu_program.html)
- 19 For the International Budget project, see: <http://www.internationalbudget.org/faq> and *A Taste of Success: Examples of the budget work of NGOs* (2000) <http://www.internationalbudget.org/resoruces/success.pdf>; for Russia, see: <http://openbudget.karelia.ru/eng/anona.shtml>
- 20 A common provision would be for the legal profession to investigate and adjudicate on complaints, with a right of appeal to the courts by the lawyer the subject of disciplinary action. A number of countries insist that the legal bodies contain a minority of non-lawyers in order to increase public confidence in the integrity of disciplinary proceedings.