

**International Best Practices in
Transparency in Government and the Role of the Media
Remarks of Deputy Public Affairs Officer Frank Sellin
U.S. Consulate General Lagos
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Good morning! Welcome!

My name is Frank Sellin. I'm the Deputy Public Affairs Officer at the U.S. Consulate General in Lagos.

The U.S. Consulate is greatly honored to be part of the launch of this series of tweet-a-thons by the International Press Centre, which will discuss good governance and the role of the media in a wealth of areas.

I congratulate the International Press Centre and especially Lanre Arogundade for the inspiration and opportunity to think about how the government and media intersect to empower citizens.

So with all of our friends from all over the media here, which is a testimony to the strength of the Nigerian media environment, and especially our audience online, we couldn't ask for a better start to the New Year! All protocols observed!

Practicing transparency is such an immense subject, that I can only touch the surface today in 20 minutes. But first, let me be transparent about where I'm coming from.

The United States government strongly supports open government. We have a government-wide directive from 2009, and under that directive, open government means emphasizing the three principles of transparency, participation, and collaboration.

Transparency promotes accountability by providing the public with information about what the government is doing.

Participation allows members of the public to contribute ideas and expertise.

Collaboration makes governance more effective by encouraging partnerships and cooperation within the government, across levels of government, and between the government and private institutions.

That's our high-level guidance. Many countries are working along similar lines, as I'll mention later.

But if you forget everything else I say today, please just remember this: governments and societies thrive when they pursue transparency. They flounder without it. And transparency, with results, is only possible in partnership, where governments accept and cooperate with a strong, independent, responsible media, a strong civil society, and an independent judiciary.

Let me first tell you several reasons why governments should want transparency. Second, I'll say a few words on what governments can do to promote transparency. Third, I will offer some thoughts on international standards for governments and media organizations.

First, there are several reasons why governments really should want to be as transparent as they possibly can.

Reason number one is the most obvious theoretical reason. Transparency is a fundamental, necessary condition for democratic government to work in an accountable, just way. Citizens have an essential right to know what their government is doing – and to guide it. Democratic governments are measured in part by how well they respect the right of citizens to be informed.

Reason number two: governments need transparency and the media so as to demonstrate how much work they're doing – and to explain why, and how they're doing it in credible forums.

Reason number three: if you dismiss transparency and restrict media freedom, you rapidly get into trouble. I'm a political scientist by training. I used to study authoritarian systems. Typically, governments become increasingly unstable and clumsy when they muzzle or sideline the media. Good information dries up. When everyone fears to relay the bad news, governments become increasingly blind. Blind to where trouble is brewing, and blind to solutions that prevent disasters. Without accurate information, governments tend to make more frequent and more serious policy mistakes until trouble takes them by surprise.

Preserving and defending an independent media, no matter how uncomfortable the conversations can be, could have kept a lot of governments I studied in the past more informed, more responsive to citizens, and able to change course to respect political rights and civil liberties, and to avoid civil unrest.

Reason four why governments should want transparency is something I can tell you from working in public relations: when governments don't answer the questions, the media will talk about the subject anyway. So will people online. Not only do citizens have a right to know, responding is how you get across your message. Responding is how you set the record straight in the necessary debate that will follow. Silence usually encourages speculation without facts.

Reason number five is the most important: transparency makes governance far more effective, with more partners, better ideas, and more policy innovation.

When governments make information and public servants available for interaction, the media and NGO communities take governments much more seriously. You get more thorough analysis of problems, innovative proposals, and friendlier, or at least more respectful, criticism. In short, governments get a much better early warning detection system that avoids disasters, and makes growth and development possible.

Often NGOs see our problems well before we do. When we listen and take thought leaders seriously, we get better ideas in return.

The other big reason why transparency is so strongly in the government's interest: if governments really want to stop bleeding money and resources through waste, fraud, and abuse, it's hard to find a better remedy than to shine a light on the area of concern, and share the findings publicly. I'll say a bit more on this in a moment, but transparency is a crucial way to break the chain of corruption.

So transparency by government empowers citizens, and has tremendous advantages for governance, compared to floundering in the dark and magnifying disasters. But what can governments do to promote transparency?

Let me propose four things that we take seriously. There are certainly more.

First, the bedrock principle: defend media independence and judicial independence, and freedom of expression even when it's uncomfortable.

An independent, uncensored media inherently depends on the well-defended freedom of expression. There is a closely related premise for governments everywhere: a judiciary free of political control is a necessary condition to have a strong media independent of political control.

If you want meaningful, uncensored ideas, assessments, and facts in the media, or anywhere else, then courts, constitutions, and laws have to guard that freedom of expression vigorously – and I’m glad to see Nigeria has a constitutional provision for this purpose. Defend freedom expression, even when the speech or the speaker makes you exceedingly uncomfortable. Your free speech rights are only as strong as the rights you respect for opponents, or others with whom you strongly disagree. And freedom of expression is recognized internationally as a universal right.

Second, governments should publish accurate, high quality, regularly updated information online. Quality information, fresh information empowers citizens. Not just to understand what the government does and why, but especially to learn how to access the government services to which they are entitled.

Online information makes it operationally much easier to engage the media. They can find government fact sheets and statements if you make it easy for them. You reduce the number of customer calls and e-mails – when you make information available 24/7, online.

Now, you shouldn’t just throw information up online on a whim. Have strategies, have standards. Have systems and processes for every agency to meet the quality standards and to get their content out. Businesses already know how this works: you don’t make a sale unless you make your website easy and clear for customers to figure out and act.

Third: Be vigilant to limit secrecy. Beware arbitrary exceptions. Sometimes governments have to stay silent. There are undoubtedly sensitive activities, information, and conversations that protect the safety of citizens. Governments have ethical obligations to speak responsibly, to respect conversations offered in confidence, to be mindful that what they say in the public arena will not harm the well-being of their citizens.

But governments should resist, vigorously, the strong temptation to declare everything a secret. Bad governance survives in the dark. In the United States, we have strict laws, and a vigorous debate in the media about secrecy laws, about how much information we can classify, and for how long, before opening it up to the public, historical record.

Court decisions and freedom of information laws in the United States are very clear that the public, including the media has a fundamental, compelling right to most information generated by the government on their behalf. National security and privacy exceptions are significant, but they are also limited, they require a clear legal justification, and in court, the exceptions are always weighed against the public’s right to know.

Fourth, shine a strong light on waste, fraud, and abuse.

In every agency of the executive branch of the U.S. government, we have an Office of the Inspector General, charged with identifying and reporting on waste, fraud, and abuse. By law, those offices have to produce public reports of their findings and recommendations. These Inspectors General do find waste, fraud, and abuse. They also typically recommend numerous constructive solutions to weaknesses that are not quite egregious waste, fraud or abuse. We can always do better than we do. And if the Inspectors General don't do their job thoroughly, the legislature and the courts certainly do have subpoena powers they use to conduct oversight and punish wrongdoing.

We're not perfect. Every government contends with waste, fraud, and abuse. But the point is it's important to have functioning legal mechanisms, in all three branches of government, operating to identify and correct waste, fraud, and abuse, with appropriate criminal penalties for the cases that deserve it.

Finally, a few words on collaboration.

Transparency is an evolutionary process. Getting good results is a learning process. Some experts say that adopting transparency standards is like eating an elephant: don't try to do it all at once. Do it in many small, persistent bites – but keep doing it.

In 2011, the United States joined with seven other countries to found the Open Government Partnership, and the founders welcomed the commitment of many others to join. Promoting transparency, empowering citizens, and fighting corruption are some of the explicit reasons why OGP was started. Member states develop their own action plans and reviews, commit to receiving independent reviews, and engage in forums for discussion with other states and NGOs on their progress.

Now, in 2016, OGP enjoys the participation of 69 countries, still growing, in a platform where political vision meets technical expertise, and citizens seeking accountability and transparency are empowered in their reform efforts at home.

Alongside OGP are countless international efforts to improve transparency, such as in extractive industries, or financial regulations. Shining a light makes sense in just about every sector.

Now I cannot officially endorse the work of various international organizations and NGOs. And some documents are still a matter of debate and are being refined. But I can at least point in the direction of just a few of the many, many ideas on best practices out there.

The UN Convention Against Corruption is one of the most well-known and comprehensive places to start, but it is one of those documents generating healthy debate and undergoing refinement, and it is crucial as a comprehensive set of tools for ending corruption.

When it comes to fiscal and budget transparency, I note that the International Monetary Fund offers a Fiscal Transparency Code as an international standard for disclosing information about public finances. The IMF standards understand that transparency is evolutionary, for those who are new to the subject and for those ready to try tackling the next stage in front of them.

When it comes to laws on freedom of information, the World Bank has offered a number of recommended principles since 2004. The Carter Center also does a lot of work on freedom of information standards.

I have noticed that Transparency International has been issuing a lot of publications of late on ways to tackle corruption, including for example with regard to tax codes, and offering tools for journalists to analyze and report on corruption. I have not read these, but I am sure they would be educational.

Again, I can't endorse them, but I can suggest that these are just a few ideas, in a universe of thousands of organizations offering quality advice and principles on how governments can implement transparency, or how journalists can promote it in reporting.

There is a very important best practice that only the media can take on. The media itself, through professional associations, and through prominent codes of ethical conduct in each media organization, can set ethical and professional standards and expectations.

Whether the concern is journalists accepting gifts, or understanding how to rely and report on multiple sourcing for accurate news, media associations can and should offer ethics training to make sure journalism is as credible as it can possibly be.

Finally, the business management of a media company also has best practices to consider. One: don't depend on a limited number of advertisers or suppliers who might be in a position to influence your content or your distribution. Two: Protect in writing the independence of all of your editors and writers. I particularly like an example I once saw as one way to do it:

"Time-Warner's board, its chief executive, and the chief executive of Time Inc. recognize that the financial success of Time Inc.'s magazines is inextricably linked to their credibility. The board and the chief executives hold the Editor-in-Chief of Time Inc. accountable for the

editorial quality and integrity of the company's magazines. To this end, they are committed to upholding the Editor-in-Chief's unique level of independence."

That's a pretty good starting point so that reporters know you take media independence seriously. But we all have to walk the walk. Editorial independence has to be real to be credible.

In conclusion, governments should want as much transparency as possible. Governments are better off with transparency and an independent media as a matter of democratic principle, and as an operational matter.

True, government carries much of the burden to provide citizens the information they have a right to know. And government should have that burden. But I promise you, it pays off in the long term when more citizens accept the system because they can actually understand and shape it. And the media has its own obligations to enshrine its own ethical integrity, if accountability between government and citizens is to mean anything.

Let me be clear once again: transparency, with real results and momentum, is only possible in partnership. Partnership among governments, an independent and responsible media, a strong civil society, and a strong and independent judiciary. And we in the United States are thrilled that more and more countries are lining up with their domestic partners and each other to win those results and promote open government. Thank you.