

Current Challenges and Initiatives: The Roles of Civil Society and Media in the Fight Against Corruption in Pakistan

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Corruption in the Asia-Pacific region can cost up to one-sixth of a country's gross domestic product, robbing its citizens of precious resources that could provide opportunities for the poor to better their lives. The incalculable costs of bribery and other unethical behavior include erosion of the rule of law; trust in government institutions, and political stability.¹

1. Introduction

In his first address to the Constituent Assembly of Pakistan on August 11, 1947, the founder of the Pakistani Nation, Quaid-e-Azam Muhammad Ali Jinnah, identified maintenance of law and order as the first responsibility of the government. Thereafter, he stressed the second most important responsibility of government in the following words: “One of the biggest curses from which India [i.e. British India including territories now in Pakistan] is suffering, I do not say that other countries are free of it but I think our condition is much worse, is bribery and corruption. That really is a poison. We must put it down with an iron hand.”² Sixty years down the line, Pakistan is placed at a dismal 142nd position out of 163 countries surveyed, with a Corruption Perception Index (CPI) at 2.2, much below the average of 5.³

This paper will provide an overview of the role of civil society and the media in the fight against corruption in Pakistan. An analysis of constraints to effective civil society engagement will be followed by a mapping of the positive impact civil society is currently making in specific areas of concern. Weaknesses in access to public information will be reviewed, followed by a description of the impact this has on effective monitoring of corruption issues by both civil society and the media.

2. Civil Society and the Problem of Corruption: An Overview

The contemporary liberal democratic analysis concentrates on the role of civil society to keep the state in check,⁴ whereas civil society refers to those organizations and networks, lying outside the state apparatus, which exist to promote certain causes or interests.⁵ Key civil society actors in Pakistan include, among others, NGOs, faith based organizations, trade unions, workers or

¹ <http://www.adb.org/Documents/Speeches/2003/ms2003067.asp>

² Speeches by Jinnah (1940-1947)

³ Transparency International Corruption Perception Index 2005, at <http://www.transparency.org>, p.6.

⁴ *ibid*, p.114.

⁵ see National Anti corruption Strategy, Government of Pakistan at: <http://www.nab.gov.pk>, p.64.

professional associations, women's rights groups, media and student organizations.⁶ In the context of corruption, the role of civil society in Pakistan in terms of taking initiatives aimed at awareness, prevention, monitoring and/or combating corruption has not been a subject of any significant discussion. Many people tend to think that role of media and civil society has been generally weak, especially in terms of creating awareness and facilitating or undertaking policy related engagements for appropriate legislative or other types of initiatives. It is, therefore, important to understand and analyze the current situation from the perspective of the role of civil society, particularly media, in order to inform the future initiatives aimed at addressing the problem of corruption in the country.

A cursory look at the civil society sector in Pakistan, especially the voluntary sector, shows that most of the organizations are focused on service delivery in the areas like literacy, health and infrastructure development, instead of aiming to challenge the status quo through advocacy and public campaigns to influence public policy, reform mechanisms of public service delivery and reduce incidence of corruption and abuse of authority. A survey by the Transparency International on corruption in Pakistan found that "civil society is just not interested in taking up what they term as controversial issues or of confronting the government."⁷ The weak role of media and civil society organizations may be a reflection of general socio-political environment characterized by depoliticizations and indifference from governance of common citizens. In this regard, it may be noted that the above mentioned survey had showed the mindset of the average citizen as:

- Having no strong feelings on entitlements;
- Did not want to involve him or herself in public debates;
- Preferred to be a passive bystander;
- Lacked the time and energy to resist;
- Usually lacked resources;
- Was resigned to the rampant corruption;
- Felt that the system could not be improved.

Civil society initiatives in the field of corruption have been traditionally weak for a variety of reasons. Among others, these include:

- The overall political environment characterized by frequent military interventions has not been conducive for the emergence and evolution of civil society organizations, which could engage in significant initiatives on concerns such as corruption within a democratic framework. This partly explains why a large number of civil society organizations have preferred to engage on parallel service delivery mechanisms, instead of focusing their energies on reforming related government departments.
- Not many civil society organizations are focused on governance reforms or improving public service delivery through advocacy and proactive engagement with the related institutions of the government;

⁶ *ibid.*

⁷ Shaukat Omeri, former Chairperson, TI, Pakistan speech on 'Role of Civil Society in Transparency and Accountability,' Regional Conference on Right of Information, September 2006.

- Much of the time and efforts of advocacy groups have been consumed by critical concerns related to the rights of some weaker sections of society such as religious minorities and women. In view of the immediate issues vis-à-vis discriminatory legislation, these advocacy groups could not adequately mainstream in to their programs the approaches that could have resulted in reduced incidence of corruption, which particularly harms the weaker segments of society.

Against the above background, civil society organizations have generally not been able to produce any significant research which could serve as a strong basis for advocacy initiatives aimed at developing a comprehensive and effective anti-corruption policy. Successive governments, however, responded to the growing concern among the people about corruption by resorting to crackdowns, en mass dismissals of government officials, disqualification of politicians and constitution of high-powered committees or commissions to investigate the causes of corruption and recommend corrective measures. In the absence of weak civil society engagement and monitoring, which could lead to informed public opinion and mobilization against corruption, almost all of these government actions failed to check the country's slide into increasing incidence of corruption. One example of this is that none of the reports of various committees or commissions established on corruption was ever implemented by the successive governments. It seems that the same is happening in the case of National Anti-Corruption Strategy.

In general, governmental initiatives vis-à-vis corruption suffer from the following problems:

- The political environment in Pakistan has been quite polarized for decades. In such a situation, governmental initiatives on critical concerns such as corruption are often perceived as motivated by personal or partisan interests and, therefore, are invariably criticized for being arbitrary and discriminatory.
- Given that corruption is endemic and deeply rooted, political parties and government officials tacitly recognize it as the normal way of running the government and, on times, show their unanimity of views through inaction or non-implementation of policies or strategies already developed. Such a situation can be addressed through proactive civil society initiatives aimed at, on the one hand, creating informed public opinion for reform and, on the other hand, engaging government for concrete steps and watching its performance on targets established.

However, despite the weaknesses of civil society discussed above, some civil society organizations in Pakistan *have* gradually begun to work on issues like corruption and accountability. In this context, the mid-1990s was of special importance, when Transparency International began to publish its reports based on the corruption perception index. These reports had a significant impact in terms of creating awareness and strengthening the public and civil society demand for reform. These reports showed the power and impact of research including comparative information and analyses, which could serve as tools for advocacy groups and to monitor progress across nations and years.

The civil society organizations that are currently working on aspects related to corruption or accountability include, among others, the following:⁸

⁸ This is only an illustrative list, as there may be other civil society organizations also engaged in similar work.

1. Human Rights Commission of Pakistan (HRCP): It is the leading civil society organization working on protection and promotion of human rights in the country. Corruption related themes in its work include, among others, right to access to information, budget watch, and government accountability.
2. Transparency International (TI), Pakistan: It is a National Chapter of Transparency International, a civil society organization dedicated to curbing both international and national corruption.⁹ The basic aims of the organization are:
 - To curb corruption by mobilizing like-minded citizens through local, and national coalitions encouraging the government, government departments, municipalities, civic agencies and private-sector organizations to establish and implement effective laws, policies and anti-corruption programs;
 - To promote and strengthen our national integrity systems.
 - To strictly follow the Principles of Participation, Decentralization, Diversity, Transparency and Accountability.
 - To strengthen public support for anti-corruption programs and enhance public transparency and accountability in administrative, financial and in all business transactions and encourage all parties in local or national business transactions to operate at the highest level of integrity.

TI, Pakistan is based in Karachi and many of its projects have been in the province of Sindh. It has used different mediums for addressing the problem, which vary from awareness cum lobbying to highlight the need for an anti-corruption strategy in the country to research and capacity building as well as sensitization of different stakeholders vis-à-vis what is corruption and, more importantly, how it creates an environment of a vicious human poverty where people, especially marginalized communities find it extremely hard to get a fair and just opportunity for emancipation. In Pakistan, the TI chapter remains one of the pioneer civil society initiatives against corruption. It has generated a wide acclaim with regard to its annual Corruption Perception Index. Its initiative of engaging the government had resulted in the formation of a National Anti-Corruption Strategy in 2002.

3. Centre for Peace and Development Initiatives, Pakistan (CPDI-Pakistan): It is a civil society organization, which is working on, among others, rule of law, transparency and access to information, budget watch and legislative development. It monitors the performance of government departments in specific areas, highlights the related weaknesses, and engages the stakeholders to advocate corrective actions. In the course of its work, it particularly engages the parliamentary committees, which are also mandated to perform the executive oversight functions. It also uses the Freedom of Information Ordinance 2002 to access records that could expose inefficiencies, abuse of authority and incidence of corruption.

Over the past few years, CPDI-Pakistan has played a key role in promoting the right to access to information through its research, awareness, advocacy and training initiatives. It has also been involved in monitoring the process of developing budgets of local

⁹ Transparency International Pakistan, see <http://www.transparency.org.pk/prog/currentactivities.htm#4>

governments, and has imparted trainings to stakeholders on applied budget analysis. One of its recent successes relate to the promulgation of a new allotment policy by the Ministry of Housing, which minimizes the prospects of abuse of discretionary powers in terms of making out-of-turn allotments to favourite officers. It happened as a result of a sustained campaign spread over a year, which demanded transparency and fairness in the allotment process as well as an end to the discretionary allotment powers vested in the Housing Minister.

4. SHEHRI Karachi: It is based in the city of Karachi and operates as a pressure group and a conscious-raising organization interfacing with citizens, civic and metropolitan bodies and higher tiers of government since 1988.¹⁰ It acts as a catalyst for generating debates and searching for solutions to urban problems. Its activities vary from advocacy, community development and conservation to education, eco-tourism, research and training, etc.¹¹ Whereas its overall focus has been the environment, it has manifested impact oriented public mobilizations to unearth as well as halt violations of bylaws in construction and unauthorized buildings at public parks, which obviously were a result of partnerships between private occupants and public land departments based on bribes and corruption. Two cases of SHEHRI's experience vis-à-vis combating corruption and bringing transparency and accountability in government actions are discussed below as examples of sort of activities it holds in Karachi.

In 1996, the then interim government constituted an Oversee Committee for the Karachi Building Control Authority because the citizens had been complaining about the extent of the violation of the zoning laws and the illegal buildings that were coming up all over the city, thereby causing lot of problem to a lot of people. Following this, SHEHRI established a Public Information Centre that shared information with the general public, telling them that if you need to buy any building anywhere in Karachi, you can take the plan of any building in the city for just PKR 500. People came forward and one can imagine the results. "A person, who had a building approved for three floors, could not sell the flat on the sixth floor."¹² Thus the Public Information Centre became an instrument of transparency where public could easily see the authorization of any building plan and thereafter compare it with what is propagated or, in many cases, had been built on the ground.

The second experience: there is an area in Karachi known as BCHS. It is government owned land. In that area, a building was demolished; and somebody wanted to build a commercial building on it. The BCHS is an essentially a residential area, so people challenged it. They wrote to BCHS, seeking information as to whether the plot was residential or commercial. They first argued as to under what authority you are seeking this information? Then they gave the answer that 'most of the agencies have agreed to commercialize it.' Finally, they said that 'it has been commercialized by others.' Under FOI Ordinance 2002, SHEHRI filed an information request to the Ministry of Works. This was done in March of 2004 and in April, a reminder was also sent, but to no avail. Finally, SHEHRI applied to the Federal Ombudsman, who intervened and the BCHS shared the information that 'it was a residential

¹⁰ <http://www.shehri.org/achievements.htm>

¹¹ *ibid.*

¹² Mr Roland DeSouza, Chairperson SHEHRI,

plot.’ SHEHRI filed the case based on this information and consequently that building was stopped.

While some civil society organizations have begun to work on aspects related to corruption, it remains a challenge to strengthen the scope and depth of civil society engagement and monitoring with a direct focus on corruption. At present, TI Pakistan seems to be the only organization which is directly working on the problem of corruption. Whereas the TI Pakistan has a particular style of working with its own advantages, the cause of anti-corruption could be better served if other civil society organizations could strengthen their work through diverse and yet complementary approaches.

3. Public Information and the Role of Media

3.1. Current Situation Vis-à-vis Public Access to Information

The poor state of governance and weak protection of rights in Pakistan can largely be attributed to lack of access to information in public affairs, which restricts the ability of citizens, civil society groups and public representatives to effectively monitor the performance of public institutions. Access to information seen as the first step towards promoting and institutionalizing public accountability at various levels; while its absence or lack of it often results in arbitrary and non-participatory decision-making,¹³ weak monitoring, inefficient project execution, human rights violations and rampant financial corruption in public bodies.¹⁴ Lack of access to information also contributes to sustaining excessive bureaucratic controls and weakening of democratic institutions.

Currently, almost all government activity in Pakistan takes place in a pervasive culture of official secrecy, which is manifested in both official attitudes and various pieces of legislation (e.g. Official Secrets Act 1923). Any disclosure or sharing of information, if and when it takes place, is on ‘need to know’ basis, as determined by official authorities, and not in recognition of ‘right to know’ as one of the fundamental human rights.¹⁵ As a result, what information is made accessible or not and at what time or in what manner it is disclosed is determined by the government. Citizens have hardly any say or control on it, even though the information and records held by various government departments may have direct implications for their environment, health, safety and well-being as well as their ability to make political or economic choices. It particularly affects the weaker sections, as the powerful people find it easier to access the required information by using their contacts and influence.

The culture of secrecy is so predominant that it has failed or seriously undermined almost all mechanisms created for providing access to government information. Official statements and press releases often provide one-sided information and lack credibility. Annual reports are either not published or lack details and appropriate analyses, which could help in determining the credibility of

¹³ This point was illustrated in 1999 by Mr. Abid Hussain, UN Special Rapporteur, who said: “Implicit in freedom of expression is the public’s right to open access to information and to know what governments are doing on their behalf, without which truth would languish and people’s participation in government would remain fragmented.”

¹⁴ Pakistan ranked at 146th on the Corruption Perception Index (CPI) of Transparency International in 2006.

¹⁵ “Freedom of information is a fundamental human right and is the touchstone for all freedoms to which the United Nations is consecrated” -- United Nations General Assembly, 1946.

data presented and assessing the year-wise performance of related departments. Parliamentary questions lead to disclosure of some information but complaints about delayed or misleading replies and summary dismissal of many questions, especially the ones relating to any aspect of security establishment, are common. Court proceedings take place in the open and, therefore, can result in the disclosure of useful official information, especially when the case involves one or more government departments. However, the amount of information thus disclosed is very small and may not automatically become available to a large number of people unless a particular case attracted substantial media attention. Information could also be made accessible through websites but most government websites provide very little useful information. Similarly, the archives are not properly maintained and updated and, hence, it is difficult to even access old records. All of this is, partly or wholly, because of the absence of a comprehensive policy that recognizes the right to information as a fundamental human right and provides an efficient legislative and institutional framework for its implementation.

The Constitution of Pakistan does not explicitly talk of right to information. However, the Supreme Court of Pakistan has interpreted Article 19 of the Constitution, which is about freedom of speech and expression, to be inclusive of right to information as well.¹⁶ Despite this, the Government of Pakistan preferred not to refer to it as a constitutional right in the Freedom of Information Ordinance (FOIO) 2002. The FOIO 2002 is currently in force. The Government of Pakistan has notified the required rules (i.e. Freedom of Information Rules 2004) for its implementation. Similarly, about 40 ministries have designated officers, who are responsible to deal with information requests. However, the FOIO 2002 is extremely flawed, and offers a little help in changing the culture of secrecy in government.

The Government of Pakistan needs to take urgent steps to provide a comprehensive legislative and institutional framework for maximum access to information. This must conform to the international best practices including: maximum disclosure; obligation to publish; promotion of open government; limited scope of exceptions; minimum costs; processes that facilitate access; open meetings; precedence of disclosure; and protection of whistleblowers. The FOIO 2002 does not conform to any of these best practices. It is applicable only to the federal departments and, hence, leaves out of its scope the provincial and local departments as well as private organizations including the ones funded by the government. It does not provide a comprehensive definition of information or records; nor does it provide an efficient mechanism for its implementation and handling complaints. It puts very limited demands on the government departments to proactively disclose maximum information through publications, notice boards and websites.

Most importantly, the FOIO 2002 includes too many exclusions and restrictions, which leaves only a few records accessible. The list of excluded records is quite long but, most notably, includes notes on files, minutes of meetings, any intermediary opinions or recommendations, all records relating to the defense forces, and private documents available with the government departments. Additional restrictions are imposed even on the access to 'public records' on various pretexts such as harm to international relations, national security, law enforcement or commercial interests. While some of these restrictions and exclusions can be partly justified, the existing phrasing in the Ordinance is such that it leaves the scope of excluded or exempt records as too broad. For instance, it is understandable that some records of defense forces should be excluded, but it is unfair to exclude all

¹⁶ See PLD 1993 SC 473 and 746.

defense records. The Ordinance also provides a weak implementation mechanism, and prescribes no penalties for officers who may delay or deny access to information on inexplicable grounds. On the contrary, it strangely provides punishment for citizens, whose requests for information may be seen as frivolous. The FOI Rules 2004 have imposed further restrictions on public access to information by prescribing an inappropriate information request format¹⁷ and higher fee and photocopying charges.

3.2. Role of Media and Public Information

First of all, it needs to be emphasized that media organizations in Pakistan are operating in an environment wherein right to information is not adequately recognized and implemented. Even the routine and common information is treated as restricted, and most departments have not established systems to share information with media or public at large. This overall environment characterized by a culture of secrecy creates impediment for the media organizations to play an effective role in terms of ensuring citizens' right to information. This situation routinely compels journalists to operate in a manner which may not be appropriate and in accordance with best standards for journalism. At times, this situation creates situations of conflict of interest, which leads to selective and motivated disclosures as opposed to providing access to information in a more fair and non-discriminatory manner. In such a context, it is obviously not easier for the media to carry out investigative reporting to dig out corruption in the government departments.

Furthermore, while discussing the role of electronic media, it may be noted that the electronic media has until recently been state-owned in Pakistan. Since private news channels are only a recent phenomenon, the quality of reporting and talk shows has yet to develop in terms of their focus on anti-corruption policies and their effectiveness. In contrast, the print media that includes newspapers and magazines has been largely in the private sector since independence, although it has faced restrictions and difficulties owing to censorship or other coercive tools used by the successive governments. Such restrictions, which continue to exist in some forms even today,¹⁸ have adversely impacted the quality of independent and investigative reporting. Implications of such attitudes on the part of the government are obvious i.e. media can report but within certain limits and especially without bothering about so-called 'no go areas'.

However, despite the above mentioned difficulties, media has played a commendable role in some respects, which are highlighted as below:

- Media consistently highlights the cases of corruption that are highlighted by various government agencies or are alleged by members of the public and politicians belonging to different political parties.
- While investigative reporting remains generally weak, it seems that some leading national dailies have lately begun to develop a cadre of journalists with appropriate skills. Recent

¹⁷ The information request format requires applicants to explain the purpose of information request, and then declare that it would not be used for any other purpose. This is completely unnecessary, as the excluded or exempt information is not provided any way. However, it is likely to further restrict the access to information, as officers may use it as an excuse to delay or deny information requests.

¹⁸ The current government has allegedly been denying advertisements to newspapers that refuse to toe the government line of important issues. Latest victim of such a discriminatory policy is reportedly The Daily Dawn, which has filed a case against it in the court.

examples of such reporting cover, for instance, the ‘wheat scandal’ and ‘inexplicable sudden rise in sugar prices’.

- Media, both print and electronic, has also been giving significant coverage to the events organized by different public and private organizations on the theme of corruption.
- Both the print and electronic media gives significant coverage, although it may still not be enough, to the proceedings of public accounts committee of the Parliament.
- Public and private TV channels have been producing dramas and serials, which highlight the forms, causes and implications of the menace of corruption in the society.
- Recently established private channels, and even the government channels, have been organizing talk shows that highlight the problem of corruption or its various aspects.

The above-mentioned media interventions have been useful in terms of creating awareness and, to an extent, even exposing abuse of authority and incidence of corruption. However, this role remains woefully inadequate in some highly important dimensions. These are briefly highlighted as below:

- Role of media remains largely reactive than proactive. Usually, the incidence of corruption already revealed or alleged by significant political or social players, get reported. It is rare that media unearths corruption through investigative journalism, and in a manner that leads to significant policy improvements.
- Media reporting has particularly been weak in terms of highlighting specific deficiencies in the existing policy framework, and then ensuring appropriate follow up to push for reform. This seems to be partly because of capacity constraints, as not many journalists in the country seem to be trained in reporting on corruption. As a result, they find it easier to report on incidents, and are unable to offer comments or draw linkages with the broader policy framework or implementation mechanisms. So, for instance, the issue of increased sugar and cement prices may be raised by the media without drawing attention to the need of strengthening the current mechanism of controlling monopolies and unfair trade practices.
- Media tends not to give adequate coverage to policy or strategy documents, especially in areas where the information provided is not readily marketable. Strategies aimed at anti-corruption appear to constitute one such area, as it is obvious from the relatively small coverage of the National Anti-Corruption Strategy. While this strategy got some coverage at the time of its preparation and launching, media has not been adequately following up on it to draw attention to performance deficit in its implementation.

To be fair to the media, however, the above identified gaps or weaknesses can not be addressed only through the initiatives by the media organizations. It is because the media operates in a particular environment, and reports generally on what is perceived as of the readers’ interest. Furthermore, it is also fed by the research produced on social issues, as well as the demands or issues raised by other civil society organizations. In other words, the weaknesses of the media are at least partly explained by the relatively low interest of various civil society organizations in corruption.

There are, however, certain challenges, which arise out of the problems in the overall structure, management and ownership patterns of the leading media houses, which exercise significant control on shaping public opinion. These problems have wider implications but also explain the role of media on issues like corruption. For instance, interviews with investigative journalists in national dailies reveal that support from the owners is quite an issue in Pakistan. Many times journalists

revealing corruption and fraud are left vulnerable as owners of newspapers back out under the pressure from government or other sources. Corruption is also seen as a problem in the media, as some owners or journalists cash their investigative effort as a blackmailing tool against the corrupt. One example quoted is that of a housing society, which continued physically occupying land in the jurisdiction of the Capital Development Authority (CDA). The violation of rules and fraud was highlighted by a journalist in a reputed newspaper, but he could not continue as he was asked by the owner to stop reporting on the matter. Later, the newspapers issued a denial and, the very next day; it received full-page advertisements from the same housing society.

4. Conclusions

In Pakistan, corruption is endemic and deeply rooted. It has grave implications for protection of rights and freedoms, execution of development projects and strengthening public service delivery systems. This menace cannot be effectively addressed through the government initiatives alone, which are often perceived as malicious, partisan and arbitrary i.e. aimed at gaining political mileage instead of addressing the problem. It is, therefore, important that civil society organizations play a leading role in demanding appropriate policies, and then monitoring their implementation. Civil society pressure, while employing media and public information techniques, can provide an enabling environment for building a multi-party consensus on anti-corruption strategy and then ensuring its implementation.

However, the civil society organizations can play the requisite role only if these are enabled for appropriate initiatives and effective engagement. In this regard, the following ideas may be considered:

- Capacity building of civil society organizations for research, monitoring and advocacy to combat corruption;
- Facilitation of networking of transparency NGOs so that coordinated awareness and advocacy initiatives could be implemented;
- Training of journalists on investigative techniques and reporting on corruption;
- Appropriate use of UNCAC as a tool to demand appropriate anti-corruption reforms;
- Stronger advocacy efforts for a comprehensive right to information law that covers all the federal, provincial and local governments, and is in conformity with international best practices;
- Trainings in the effective use of right to information laws such as FOIO 2002 or Section 137 of LGO 2001;
- Effective civil society engagement with political parties for evolving a multi-party consensus and ownership of national anti-corruption policy or a strategy;
- Strong civil society monitoring of the implementation process vis-à-vis key reform initiatives and appropriate advocacy initiatives to address the related hurdles.