

GLOBAL INFORMATION SOCIETY WATCH 2012

THE INTERNET AND CORRUPTION
Transparency and accountability online



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**ObservaTIC**

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Introduction

Uruguay is immersed in the process of digitising its media. The so-called “analogue blackout” is expected to take place in 2015. In this context, at the beginning of 2010 a Law on Audiovisual Communication Services (with the Spanish acronym of LSCA) was developed. Among other things, the law aimed to change the process by which frequencies are allocated.

The last decades have left a legacy of political practices that have ignored how broadcast frequencies were allocated, a situation that promoted political favouritism and consequently undermined the transparency of the process. Until the Decree on Terrestrial Digital Television 585/2012 was approved in May 2012, the legal framework was the same as the one in place under the country’s dictatorship (1973-1985).

In this report we present and analyse the public consultations that took place before the development of the LSCA and the approval of the Decree on Terrestrial Digital Television, which were both carried out in a new way: using the internet. This entailed a new approach to citizen participation in a process of political decision making that fosters transparency, democratisation and accountability.

Policy and political background

Since leftist governments have come to power in Uruguay, a shift in public policy has taken place. For instance, government offices were created to improve social inclusion in the information society.

On 19 December 2005, Law 17.930, Article 72 called for the establishment of the Agency for the Development of Electronic Government and the Information and Knowledge Society (AGESIC). The institution’s structure and plan of action were geared to the improvement of public services using ICTs. Its principal lines of action are related to the creation and implementation of laws and the creation of a guide of good practices for the state’s e-government strategy.¹

To this end, Law 18.381, dealing with the right to access public information, was promulgated on 17 October 2008. This law aims to promote the transparency of the administrative functions of government entities and to guarantee the right to public information. It gives the right to any person to seek information without the need to provide reasons. For this purpose the Agency for Access to Public Information was created.

Using the internet for public participation

The allocation and control of the frequencies to be awarded are issues to take into serious consideration given the potential of this to impact on human rights generally.

Because of this, 2010 saw the start of an open public consultation on the LSCA. The National Telecommunications Office (DINATEL) was in charge of handling the issue, and it decided to form a Consultative Technical Council (CTC) which included different actors from civil society, the private sector and universities, among others.²

At the same time it used the internet to start a public debate, while also calling for input into the legislation. The proposals offered by citizens through this process fed into the CTC deliberations. The discussion phase for the CTC members was organised into weekly sessions during the second half of 2010. Once this was completed, the CTC produced a report which described what it thought should be included in the LSCA. After its task was completed, the CTC was dissolved.

The report drafted by the CTC reached the authorities and an 18-month stalemate followed, during which it was uncertain if the LSCA would be created. In the end, the LSCA never came to pass.

In a second phase, the Office of the President developed a draft of the Decree on Terrestrial Digital Television which was made public through the Ministry of Industry, Energy and Mining’s website so that citizens might discuss it openly.

What was the result of these initiatives? How were they appropriated by the public?

These questions arise in a political context where e-government and, consequently, e-governance is being pursued (for instance, with the creation of

1 Asociación por los Derechos Civiles and Open Society Institute (2008) *El precio del silencio: Abuso de publicidad oficial y otras formas de censura en América Latina*; Lanza, E. and Gómez, G. (2009) *Libertad de expresión y publicidad oficial*, Grupo Medios y Sociedad, Montevideo.

2 Radakovich, R. et al. (2012) *Mapping Digital Media: Informe de Uruguay*, Universidad de la República, Montevideo.

AGESIC as the main agency towards this end). Literature on the subject often states that e-government increases trust in government, and makes politics more generally accessible and decisions more accountable. It is important to point out that Uruguay has been ranked among the most transparent and least corrupt countries in the Americas,³ making it a suitable environment for generating the kind of transparency that e-government implies.⁴ In this regard there have been several concrete attempts to deepen e-government in Uruguay, including the transmission of parliamentary sessions on the internet with the idea of making the activities of legislators more accountable, transparent and democratic.

The public consultations that took place through the two websites – the first one via the CTC and the second through the Ministry of Industry, Energy and Mining – are hallmarks of the process of developing e-governance. In particular, they entail participation, allowing citizens to become more knowledgeable, promoting interaction and making political practice more transparent.⁵ All these factors undermine opportunities for corruption as the public has access to the process of developing legislation. Public access to events allows individuals to serve as watchmen.⁶

Contemporary sociological theory states that ICTs increase the opportunities for surveillance, as described by sociologist David Lyon.⁷ In the events discussed, the internet opened the development of the LSCA up to public scrutiny and created proper weapons for people to fight corruption, denounce it when it takes place, and prevent it. It also increases institutional-based trust, understood as the transparency produced by sharing information online.⁸ It enacts what Ndou⁹ argues to be a good way for citizens to participate in making decisions, propose ideas through public forums and communities, and bring their knowledge into the public realm. All in

all, the relationship between government and the people is enhanced.

The opportunity for the transparent allocation of frequencies, with the internet as a tool in the process, has the political support of those who promote public discussion on the matter. Both instances involving citizens in the drafting of laws are clear examples of a new form of participation and therefore of empowerment. There is a shift in focus as people change their role of being mere mediated listeners of resolutions to influencing decisions.

However, another possible consequence of these sorts of processes to bear in mind is that, as Lenihan¹⁰ argues, the democratisation brought about by ICTs has the possibility of “over-empowering” sections of the public; a situation that sees large groups or communities on the web overshadowing other groups or elected representatives themselves.

According to engineering expert Carlos Petrella, the internet as a tool in itself does not promote intelligent use of the tool, and as Professor Ana Laura Rivoir from Universidad de la República states, the appropriation of ICTs by the citizenry is needed to really harness the opportunities they offer.¹¹ These changes correspond to cultural processes and therefore are not merely technological considerations. As has been argued, intermediaries might be needed to analyse the information presented to citizens. This could be true as the participation in the public consultations discussed was not as extensive as desired for such an important matter. Only groups concerned with the media participated. Other groups from civil society seemed unable to see the internet as an important tool to be included in the media agenda.

Conclusions

This discussion on the development of the LSCA intends to show a new approach to political practice. We see that the tools offered by ICTs are starting to be considered relevant in relation to political participation; but, most importantly, they reveal their potential as weapons to fight corruption and to make political decision making more transparent.

The legislative framework for the process of frequency allocation is developed in an open space where citizens are invited to participate. They have the possibility of watching the whole process and of tracing the decisions that are made.

3 cpi.transparency.org/cpi2011/results

4 Sour-Vargas, L. (2007) Evaluando al gobierno electrónico: avances en la transparencia de las finanzas públicas estatales, *Economía, Sociedad y Territorio*, VI (23), p. 613-654.

5 Tolbert, C. and Mossberger, K. (2006) The Effects of E-Government on Trust and Confidence in Government, *Public Administration Review*, May/June.

6 Bertot et al. (2010) Using ICTs to create a culture of transparency: E-government and social media as openness and anti-corruption tools for societies, *Government Information Quarterly*, 27(3).

7 Lyon, D. (2007) Surveillance, Power and Everyday Life: A chapter of the *Oxford Handbook for Information and Communication Technologies*. www.sscqueens.org/sites/default/files/oxford_handbook.pdf

8 Tolbert, C. and Mossberger, K. (2006) op.cit.

9 Ndou, V. (2004) *E-government for Developing Countries: Opportunities and Changes*, Department of Business Administration, University of Shkoder, Albania.

10 Lenihan, D. (2002) *E-Government, Federalism and Democracy: The New Governance*, Centre for Collaborative Government.

11 Ayala, A. (ed.) (2011) *Políticas de uso de herramientas web 2.0 en la administración pública de América Latina: Informe de Investigación*, CIESPAL, Quito.

The importance of this is that political favouritism is being counteracted. Literature on the subject states that the internet as the foundation for e-government increases the possibilities of anti-corruption measures, increasing transparency, democratisation and accountability. These are the steps that are being taken in Uruguay. These are encouraged by the fact that this has been a country with low corruption rates. At the same time there is the political will to produce positive changes. This is a fertile context to develop e-government relationships with the citizens, and therefore transparency in public management.

Action steps

- Help establish processes of public debate and consultation using the internet when developing policy and legislation. The internet is a tool that, used in the correct way, enhances the opportunity for accountability and transparency.
- Political will is needed to increase participation and to make individuals not just passive receivers of decisions but also participants in debates. Citizens could demand participation through channels that enable fluid communication – and the internet is an excellent mechanism for this.
- The formation of forums before policies are adopted could be a good way to obtain input and feedback from stakeholders, strengthening the development of policies *during* the decision-making process, and not trying to do that afterwards. The internet is a channel that should be promoted for this purpose.
- It is necessary to encourage people to develop skills in cooperation, to strengthen their voices as critical agents, to be proactive, and to appropriate new technologies. ■