

E – NEWS

Access to Information

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Volume 4



THE
CARTER CENTER



ACCESS TO INFORMATION AND INVESTIGATIVE JOURNALISM

Welcome to Volume 4 of E-News in Jamaica specifically focused on Access to Information and Investigative Journalism. The Objective of this *e-newsletter* is to provide a forum for the exchange of information and ideas about Jamaica's Access to Information Act and to provide an opportunity to focus on specific issues, themes and news relating to the public's "Right to Know". We hope that through the distribution of this *e-newsletter*, we can raise awareness of the Access to Information Act in Jamaica and encourage persons to use this new right.

This *e-newsletter* is prepared in conjunction with Northern Caribbean University, Media Communications Department but it is hoped that other organisations and individuals will use this medium to share their experiences relating to Access to Information in Jamaica. We invite all civil society organisations and individuals to provide articles and comments for the e-newsletter, and in that way we may produce a newsletter that focuses on your issues of interest whether that is housing benefits, women and children's rights, education, crime, welfare benefits, infrastructure, health etc. The Carter Center will provide editorial support, and can assist you in developing story ideas.

Please feel free to forward this *e-newsletter* to friends, colleagues and relatives.

In this edition you will find articles on:

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The Use of the Access To Information Act in Jamaica for Investigative Journalism

By Leonardo Blair, Gleaner Co. Ltd.

After just over four months of using the Access to Information Act to investigate stories for Gleaner publications I have been forced to master the art of patience as I await government appointed access officers to find and dust records which are then released in 30 days. Accessing Information under this new Act could impulsively be described as the process of 'pulling teeth' from a tangled web, however since it is early days yet, I will be measured in this report. Firstly, the Act has established one powerful, almost all encompassing decree for Government officials, -every request must be acknowledged and attended to in a prescribed period of time- if any Government office is unable to do so, a valid reason must be given.

As a result of this Act, reporters seeking information through interviews or faxed questions can no longer be promised then invariably be forgotten. So even if Government Officials do not wish to address a specific request they are bound by law to respond whether the documents are embarrassing or not. That said however formulating a request for formerly 'secret' information can be difficult if the reporter is not too sure of the exact information he is looking for. Most Access Officers from experience so far, will not give you more information than you ask for. If requests are left to broad interpretation, some Access Officers may provide information based on their interpretation, which may not agree with the reporters.

If the request is to be amended, a new request has to be done and that information will take another 30 days of searching and waiting. Of more than a dozen requests sent to individual Government agencies in April 2005 seeking the travel expenditure of Government Ministers in the last four years, more than half of the government Ministries took more than 30 days to provide the requested information. The only thing that has remained consistently positive with these agencies is the acknowledgement of the receipt of your request. Some ministries have reported difficulty sourcing certain information or having to deal with a barrage of requests from the general public. Some access officers are almost invariably never at their desks. In my experience so far the act works a little better than having personal government press releases but as far as investigative journalism goes, it is an experience in digging for the story yourself.

Excerpt from A Culture of Secrecy – What has happened to the principle that American democracy should be accessible and transparent?

Permission to publish the extract given by Charles Lewis, author

"Political language . . . is designed to make lies sound truthful and murder respectable, and to give an appearance of solidity to pure wind." –George Orwell, *Politics and the English Language*

WASHINGTON, February 3, 2005 — In the world's oldest democracy, pressure on investigative journalists is usually exerted in sophisticated, non-lethal ways, under the public radar. Every day in Washington, D.C., thousands of government and corporate public relations flaks and lobbyists purvey their "talking points" with a friendly smile, no matter how odious the client, no matter how intellectually dishonest or morally dubious their message. Journalists must trudge through the shameless "spin"-that vanilla word admirably used these days instead of "lying," which has a harshly judgmental, jarringly rude ring in Washington power circles.

Sometimes the persuasion becomes less subtle. For example, when the Center for Public Integrity obtained and prepared to publish online the secret, proposed draft sequel to the USA Patriot Act, known as "Patriot II," we got calls from the U.S. Justice Department beseeching us **not** to publish.

Over the years, those unhappy with my investigations have tried just about everything to discourage our work. They have issued subpoenas, stalked my hotel room, escorted me off military bases, threatened physical arrest, suggested I leave via a second-story window, made a death threat personally communicated by concerned state troopers who asked that we leave the area immediately (we didn't), hired public relations people to infiltrate my news conferences and pose as "reporters" to ask distracting questions, attempted to pressure the Center's donors, and even brought expensive, frivolous libel litigation that takes years and costs millions of dollars to defend.

Being despised and frozen out by those in power is an occupational hazard-indeed, a badge of honor-for investigative reporters everywhere. Certainly no one at the nonpartisan Center for Public Integrity harbors any illusions that he or she will ever be invited to dinner at the White House. This is hardly surprising given that the Center broke the Clinton White House "Lincoln Bedroom" fundraising scandal, first revealed that Enron was George W. Bush's top career patron and years later disclosed that Vice President Dick Cheney's former company, Halliburton, is by far the Bush administration's favourite contractor in Iraq. For these impertinent affronts to officialdom, the Center's reports have received 28 awards from respected journalism organizations since 1996.

Public apathy, though, is another matter. Take our 2003 Center report in which we posted and tallied up all of the major U.S. government contracts in Iraq and Afghanistan-a project which won the George Polk Award for online journalism. Center investigators found that nearly every one of the 10 largest contracts awarded for work in Iraq and Afghanistan went to companies employing former high-ranking government officials, and **all** 10 top contractors are established donors in American politics, contributing nearly \$11 million to national political parties, candidates, and political action committees since 1990. And on the eve of the Iraq war, at least nine of the 30 members of the Defense Policy Board, the government-appointed group that advises the Pentagon, had ties to companies that had won more than \$76 billion in defense contracts in 2001 and 2002.

The personal financial disclosure forms of those advisers are secret, and much about the entire contracting process is deliberately hidden, and therefore unknown to the public. For example, it took 20 researchers, writers, and editors at the Center for Public Integrity six months and 73 Freedom of Information Act requests, including successful litigation in federal court against the Army and State Department, to begin to discern who was getting the Iraq and Afghanistan contracts, and for how much. Why? What has happened to the principles of accessible information and transparency in the decision-making process in our democracy?

True, there is nothing illegal about such cozy, convenient confluences in the mercenary culture of Washington, D.C. But what does it say about the state of our democracy that, beyond some spot news coverage of the Center's findings around the world, there was almost no reaction or interest by Congressional oversight committees, which are controlled by Republicans loath to criticize the Bush administration? Of course, no official reaction means no second day story, no "hook" for the cautious and sometimes deferential national news media, no mounting public awareness or concern, and no political problem. Welcome to business-as-usual Washington.

Undeterred by what we had found, we plunged even deeper, producing a report entitled *Outsourcing the Pentagon*, in which a team of 23 researchers, writers and editors examined more than 2.2 million Pentagon contract actions totaling \$900 billion spent over six years. This massive nine-month investigative report profiled the 737 largest Defense Department contractors who, including their subsidiaries and affiliates, have received at least \$100 million in contracts. Once again, the Center found, the largest contractors are among the most lavish spenders on political influence. And, most notably, we found that no-bid contracts like the infamous one Halliburton received to do business in Iraq have accounted for more than 40 percent of Pentagon contracting since 1998. That's at least \$362 billion in taxpayer money given to companies without competitive bidding.

Following news coverage of our findings, what was the reaction? Another Washington yawn. There was barely any sign of an official pulse, let alone government investigative interest or, perish the thought, outrage. And yet most Americans

assume-and expect-that government contracts are competitively bid, partly because White House, Pentagon and company officials have, year after year, emphasized what they want us to know and, like a circus magician, misdirected our attention away from what would expose them.

Despite the inhospitable landscape and the grim nature of the work-forensically excavating the cold corpus of unvarnished reality-most investigative reporters would probably grudgingly acknowledge that they are, to paraphrase John Kennedy, "idealists without illusions," with some modicum of hope that things can and should be better than they are.

Hope and perspective are essential, for there is much work to be done.

Survey on the use of the Access to Information Act and Investigative Journalism in Jamaica,

(Survey November 2004)

By Carole Excell and Monika Goforth, The Carter Center

Journalists in Jamaica are being challenged daily by the public to conduct investigative reporting on diverse issues including the economy, crime, corruption, environment, health and education. There are those that say that investigative reporting happens rarely in Jamaica while others speak to the media and its loss of objectivity, creativeness and imagination in sourcing information and presenting “the story behind the story”. The Carter Center in association with Media Association of Jamaica, Management Systems International (Civil Society Project) and the Press Association of Jamaica held a workshop entitled “Creating a Culture of Investigative Journalism in Jamaica and the Use of Access to Information,” in November 2004 to discuss some of these issues. The Objectives of the workshop included examining the state of Investigative Journalism in Jamaica and promoting awareness of, and the use of the Access to Information Act (ATI) by the Jamaican media. The Carter Center issued a survey to the participants (media owners, editors and journalists) to measure their knowledge of the Access to Information Act 2002, its use in investigative journalism and the important role the Act could play in Jamaica. The sample size was small with only twenty-seven of our fifty-one workshop participants responded to the questionnaire but the proportion of respondents to workshop participants is a large enough sample size to suggest the general impression that the workshop attendees had towards ATI and investigative journalism.

The results of the survey suggest that the representatives from the media were conflicted as to whether a culture for investigative journalism exists in Jamaica with a higher number of respondents strongly disagreeing to this suggestion. This despite the fact that almost 100% of the respondents stated that they had conducted some investigative reporting in the past. All but one of the respondents had heard of the Access to Information Act citing government services, the ATI Unit, workshops and the media as including information on the Act. 48% of the respondents were active in the passage of the Access to Information Act by participating in seminars, making comments through the Press Association Jamaica or covering the parliamentary debates. Furthermore, all the respondents held that Access to Information is important to their work, as it is critical for investigative journalism. These statistics suggest that there is a relative appreciation for the importance of the Act in the field of journalism, as over 90% of the participants acknowledged this fact. Nonetheless, only two of the twenty-seven media representatives had actually used the Access to Information Act, with the Act being in effect for almost a year. Media representatives cited a number of reasons including their unfamiliarity with the process, the fact that there was no need to use it in their work, and the amount of time taken to receive documents. This result may suggest that the media is still conducted news reporting on the basis of their sources, information publicly available or supplied through press releases. Support from media owners both in terms of time and resources are needed to conduct investigative journalism but also is independent creative hardworking journalists who are dedicated to their role as watchdogs of our democracy. Also important will be technical support for journalists to make use of this valuable new right to information. Creating a culture for investigative journalism in

Jamaica is a process, which is critical if the media fraternity is to make full use of the Access to Information Act. This is a process that we hope has begun with the Carter Center’s continued work with the media in Jamaica

Lessons learnt from workshop on “Creating a culture for Investigative Journalism and the use of Access to Information

Article from NCU-

Media’s use of Access to Information Laws around the world

By Laura Neuman, Carter Center

The Access to Information Investigative Journalism Student Award

By NCU

Upcoming Events, Training and Awards for Investigative Journalism

Jamaican journalists who are interested in furthering their training on investigative journalism have a number of opportunities to broaden their knowledge base both from Degree and Masters Programs at International Universities or through training courses specifically offered on investigative journalism. There also a number of opportunities to highlight some of the work done in Jamaica by journalists through the submission of investigative pieces for international awards. The development and increase in support of Jamaican awards for Investigative Journalism from the private sector and civil society is also an encouraging development. The following is a brief list of some of the international awards, fellowships and training opportunities that are available and posted online.

Awards/Fellowships:

ICIJ Award for Investigative Reporting

The International Consortium of Investigative Journalists (ICIJ) Award for Outstanding International Investigative Reporting honors excellence in transnational investigative journalism with a U.S. \$20,000 cash prize. The competition is open to any professional journalist or team of journalists of any nationality working in any medium pursuing an investigation - either a single work or a single-subject series – that involves reporting in at least two countries on a topic of world significance. Application criteria and deadlines are available from ICIJ at www.icij.org.

Best Investigative Journalism Report on Corruption in Latin America and the Caribbean

Transparency International in Latin America and the Caribbean and the Press and Society Institute award a Prize for the Best Investigative Journalism Report on Corruption in Latin America and the Caribbean annually. The prize is an award of \$25,000.00. The Award is open to any journalist or team of journalists who may present one or several reports published in Caribbean or Latin America media. Associations or media companies may also forward reports.

Application criteria and deadlines may be found at

http://www.transparency.org/in_focus_archive/award/tilac_award_eng.html#english

Fund for Investigative Journalism

The Fund for Investigative Journalism gives grants, ranging from \$500 to \$10,000, to reporters working outside the protection and backing of major news organizations. To apply: Write a proposal. The applicant must write a letter outlining the story, what he or she expects to prove, how this will be done, and the sources for the proof.

More information: visit <http://fij.org/>, or contact johnchyde@yahoo.com.

International Federation of Journalists

Lorenzo Natali Prize for Journalism

This competition promotes reporting on human rights and democracy as crucial elements of development. Only entries from print journalists are eligible, and articles must have been published in a developing country or in an EU member state.

More Information: contact nataliprize@pophost.eunet.be

Fellowships and Training:

Alfred Friendly Press Fellowships

This Fellowship enables a journalist to engage in reporting, writing and editing as a staff reporter in an American newsroom for six months. **Costs:** AFPF pays all costs of program-related international and domestic U.S. travel and provides a monthly stipend to cover basic living expenses. **Application Deadline:** September 1 each year

More information: visit www.pressfellowships.org, or contact AFPF at info@pressfellowships.org

World Press Institute Fellowships

This fellowship enables a journalist to receive training and firsthand experience in the role and responsibilities of a free press in a democracy. Fellows travel the United States for four months, interviewing the famous and non-famous, visiting large and small institutions, experiencing this country firsthand. **Costs:** All expenses paid. **Application**

Deadline: December 31 each year. **More information:** visit www.worldperssinstitute.org or contact ullmann@macalester.edu

The Reagan-Fascell Democracy Fellows Program

This Fellowship enables a journalist to enhance their ability to promote democracy in Jamaica. Fellows will be in residence at the International Forum for Democratic Studies, the research and publications arm of the National

Endowment for Democracy (NED) in Washington D.C. **Costs:** Receive a monthly stipend for living expenses, health insurance and reimbursement for travel to and from Washington D.C. **Application Deadline:** April 1 – encouraged to submit materials earlier. **More Information:** visit www.ned.org/forum/fellowship_program.html or contact kristin@ned.org

The Gordon Fisher Fellowship

.This fellowship covers the stay of a Commonwealth newspaper journalist each year enabling the winner to spend a year at the University of Toronto doing postgraduate study in the field of journalism of their choosing. **Costs:** Living accommodations and travel are covered by the Fellowship. **Application Deadline:** February 18
More Information: visit http://www.cpu.org.uk/fellowsh_gf.html or contact cpu@org.uk

World Bank Institute Online Courses

The World Bank Institute offers online Investigative Journalism courses at the introductory and advanced levels. Investigative Journalism I is a course designed to assist younger reporters in developing the skills they need to operate as effective reporters in a democratic society and within a market economy. This course is built around a case study featuring bribery and corruption that has proven popular with hundreds of young journalists in developing countries. Investigative Journalism II aims to strengthen the capacity of the news media so they can play a critical role in holding governments and businesses to account. Focusing on mid-level reporters with the means to carry out and deliver well-researched and clearly written stories that expose wrongdoing, corruption and systemic malfunction in developing and transitional nations, the course identifies constraints to doing watchdog journalism, and provides a tool kit to reporters on how to do investigative projects.

More Information: contact skpundeh1@worldbank.org or visit www.worldbank.org

Upcoming Events:

Media:- Internal Training Workshops for the Media on the Access to Information Act continue in July with two completed in the month of June. Topics covered in the 2 hour training course include : The basics of the Access to Information Act for journalists, Tips for making requests and avoiding pitfalls, Access to Information and investigating special issues, challenging refusals and enforcing your right to information.

Press Conference: The Access to Information Stakeholders Committee is hosting a Press Conference to highlight July 5, 2005 when all Government Agencies, wholly owned Companies and Parish Councils are brought under the Access to Information Act. This is an important day as it will bring the Act into effect throughout Government and highlight the Government's continuing commitment to timely implementation of the Act.

Quote of the month on the Right to Know

ABOUT THE E-NEWSLETTER

Volume 5 of the Access to Information Newsletter will focus on Access to Information, Record Keeping and the Archives and we are happy to announce that the Jamaica Archives will assist in its production. We are looking for persons or groups interested in working on Volume 6. Please tell us if you want the newsletter to focus on a specific theme for the month, or if you wish to submit information or articles. We welcome your input, and any information you care to share with us about your special interests.

Jamaicans for Justice is considering the possibility of setting up a list serve for this E-newsletter please give us your

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views on this and whether you believe this would be beneficial to the work to create this.

If you do not want to receive this e-newsletter please e-mail Carole Excell at cartercenterja@mail.infochan.com or call her at 755-3641. Again, we apologize for any cross postings, and are currently working on a database of e-mails to avoid future duplications.

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