

Communication towards citizens: a democratic principle in the work of institutions

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The democratic principle discussed here is, basically, a common one, either when referring to what we journalists want, or to the wishes of various institutions' representatives — national, European or international.

It is about our obligation to inform public opinion accurately, to satisfy to the best of our abilities the citizens' fundamental right to know what is happening in the world around them and how public expenditure is structured, through political and administrative institutions that operate on a fair and sound basis. But the problems that arise are different and sometimes extremely complicated, as they affect sectors and flow from causes that differ fundamentally from one part of Europe to another.

Even if distances on the map are no greater than a few hundred kilometres, the huge gaps created by our recent past are not so easy to cross — even now. They have so often created different mentalities and patterns of behaviour which affect the fair operation of institutions and, even more, the way the democratic principle mentioned above can be truly complied with.

I wish to speak about Romania in particular, but I believe it is relatively easy to generalise from my country to the entire former communist structure because, with a few minor national exceptions, the system had the same characteristics and much the same effects.

The first characteristic of this system was that it was built from the outside on a system that eliminated all genuine public communication. Because the system was assumed to be perfect and it belonged, as we used to say, 'to all the people', it was presumed there was no need for it to explain itself — or its actions — to anyone, at any time and under any circumstances. For example, the institution of the 'spokesperson' or of the 'Public Relations Department' emerged only after the fall of the communist regime, and it has imposed itself as a must in order for the democratic system to function properly.

But for the Romanian citizen during the communist period, the institutions represented the supreme formula of bureaucracy, raised to the level of instrument of repression and absolute bureaucracy. Nothing was more atrocious than an absolute dependency on the institutions of the communist State, the ones your life depended on, without you having even the least power of control over them because, from the outset, they purely and simply refused to accept any other form of control than the one set by the superior party structures. Actually, for this control to be as wide as possible, the public administration required every local or central administrative authority to be managed by the leader of the party organisation at that particular level. The party thus became the manager of public life and it was exclusively represented, at all levels of decision-making, by party members, from which, obviously, the ordinary citizen was completely excluded.

This is the cause of the complete lack of confidence in the messages transmitted by those institutions, rightfully considered as an endless propaganda activity. Not a single piece of information transmitted to the citizen could escape from the gigantic and suffocating system of party propaganda, and appropriately enough it was treated as such. That is to say, it was rejected and regarded as not trustworthy or, in most cases, with hostility.

This situation was prolonged in communist Romania for almost two generations, long enough to allow a distinct group attitude to emerge that extended to the whole of society — refusal to trust official messages, no matter what their source was.

This is the real situation faced by the institutions which started to function after the revolution; this is the specific climate in which the public relations and communication departments started their activities. Cristian Unteanu, my colleague at Prima TV, who is also the head of our press bureau in Brussels, was asked, in the first few days after the December 1989 revolution, to become the first Spokesman of the Government of Romania in the post-communist period. He has regularly asserted that the biggest problem they had to face in those days was the absence of specific public communication structures. But, at the same time, freedom to pass on information was still something asked for only by public opinion and was not something understood and accepted by the new State institutions. Inertia in this area was enormous, partly because people in all sectors of the system were obsessed with avoiding mistakes, not knowing in the new context what was confidential information and what was, or could have become, public information. To give an eloquent example, for years after 1989, the personnel of many of Romania's public institutions made no distinction between the 'Public Relations Department' and the 'Public Information Department', given the lack of qualification (and a real desire for transparency) of the officials and leaders of those institutions.

This is the context in which the first investigative journalists started to be trained and to work. Inevitably, their activity was strongly influenced by the social context and residual aspects of the mentality that I have just considered. Consequently, their attitude was, from the very beginning, influenced by a deep lack of trust in the information passed on by State institutions, or what little there was of it, regarding it with distrust or hostility, almost even as a premeditated attempt of manipulation. On the other hand, the State institutions — those that were not hostile in the beginning — started taking a hostile attitude and their spokespersons started to deliberately avoid contact with representatives of the mass media. This is how the investigative journalist reached the conclusion that it was best — or wiser — for his or her entire activity to completely disregard official information sources, and even ridicule and discredit them.

This relationship has sometimes been handled in inappropriate ways and, unfortunately, sometimes still is, and this should be offset not in the abstract but on the basis of a system of rules and principles accepted by both parties. This brings me to the core of our dialogue: who provides information, how and under what system of regulation?

Naturally, to answer this question, I have turned, both attentively and hopefully, to you — to the European institutions and their departments specialised in public communication. Investigative journalists were even more interested to see how the system works, especially how it sets its limits. At what point does the system become opaque and do spokespersons use the formula 'no comment' or simply refer you to their press releases? What does the term 'sensitive information' mean in your value system, and from what moment on can it legally be withheld from a journalist?

These are more than purely hypothetical questions, at least in our perspective. I would like to share with you a practical example to highlight the importance of the answers you can give us and the consequences they can have for the real compliance with the democratic principle of the right to information. In 2002, the editorial staff (of the newspaper *Curierul National*, which my colleague worked for at that time) asked my colleague Cristian Unteanu to start an investigation into the possibility that OLAF may have started an investigation on a possible embezzlement of European funds; embezzlement in which Mrs Hildegard Puwak, then Minister of European Integration, may have

been involved in. The subject was extremely sensitive, because a government member was involved and even more, one who supervised the correct execution of the entire package of pre-accession funds allocated to Romania.

There were two possible approaches. The first was the classic method of using direct or possibly collateral sources, either from OLAF, from the Commission or from the Parliament. The second involved using unconfirmed sources for background comment, tagged 'sources from...', because the deadline was very short, only a few hours, and using, if possible, an official source from OLAF to confirm the news. It was very difficult to imagine such a confirmation would come, especially because of the obvious implications for the Romanian political stage. This, however, was not the case, because the phone conversations with Alessandro Buttice', at that time on holiday away from Brussels, allowed us to have official confirmation of an investigation procedure opened in this case. Mr Buttice's statement just mentioned that an investigation procedure had been launched to seek information in the case, but this was strongly denied by the officials of the Public Communication Department of the European Integration Ministry where Mrs Puwak was minister at that time. This statement was sufficient, because we had corroborated it with all the other elements already in our possession. And the effect on Romania's mass media was strong and immediate, the entire press starting to broadly deal with this story, developing and enriching it. It would have been most presumptuous to imagine that we could do anything beyond provoking public debate, but the impressive thing is that, on the first day of the OLAF seminar held in Bucharest in October 2003, it was announced that three ministers, including Mrs Puwak, had resigned, all of them being involved one way or another in issues concerning mismanagement of Community funds.

However, this story is interesting from another point of view as well. The day after the publication of the first article from Brussels, Minister Puwak addressed an open letter to the newspaper where my colleague was working at that time, accusing him of misinforming public opinion and, worse still, of endangering Romania's process of integration into the European Union. This reaction could be explained as a prolongation of a certain mentality that had been common in the communist totalitarian structures of the past, whereby it was not possible to present 'negative aspects' of an official's activity without automatically damaging national prestige. Of course, the entire Romanian press did not pay attention to that press release, published only by the newspaper Mr Unteanu was working for as a Brussels correspondent, but that does not diminish the gravity of that type of reaction which was, unfortunately, not an isolated one at that time.

From then on, our colleagues in Romania found it increasingly **difficult** to obtain the most accurate data possible from the Ministry of Integration, as all its Public Communication Department would release was only outraged denials but no figures, files or statistics. This was the first politically significant case which allowed the Romanian public opinion to receive accurate information on the true powers of OLAF, the role of national authorities and the Romanian judicial authorities, which are responsible for bringing the case to completion.

Let us now expand on the discussion regarding the status of Romania's investigative journalist specialising in the analysis of cases of embezzlement of European funds. A status which is fundamentally no different from that of our colleagues anywhere in the world. The first rule is always to work under pressure and to have the competition breathing down your neck. The story must be finished, usually 'yesterday' because the obsession of every editor in chief is that 'our story' must be the first to come out and we should not have to face the unfortunate situation of being second best or, even worse, to gather our information from the competition, without us even knowing it existed. The case of the international press correspondent is somehow even more difficult, because, at the national

level, the television he or she works for has an entire network of correspondents and official or unofficial information sources, whereas he or she is, in most cases, working alone or with a very small team.

Consequently, the attention paid to forming his or her own personal information network will be greater, and will even be a priority when his /her remit extends beyond 'Brussels' to the whole range of topics relating to NATO and the EU. Logically, the information sources the correspondent seeks will depend on the nature of the institutional response.

The first evaluation therefore concerns the question whether communication departments in the institutions believed to have a high interest for journalists, such as OLAF or the institutions represented at national level by the persons in this room, have the capacity and the real desire for transparency. The evaluation refers to your capacity for producing information in good time, your desire to get involved, your possibility for maintaining close contact with the real decision-making levels in the institution you represent, the freedom of movement and trust given to you when dealing with journalists, the possibility or impossibility for you of communicating directly with the head of the unit when crisis situations occur. All these are the elements which lead us fairly quickly to an evaluation, most certainly a subjective one, of the possibility of using you as a credible source during our investigations. Our subjective evaluation refers to the quality and the utility to us of the press releases, statements or analysis you make or have made in a crisis situation, this proving how open you can be in such moments, compared to the type of information other sources can provide on the same story.

One thing is absolutely certain: the more you are tempted to restrict information, the more the value of alternative sources will increase. This in itself will be a serious problem only when the gap becomes too wide with the direct result of a loss of credibility of the official source or even of actually discrediting it. It must not be forgotten that any investigative journalist can access and will definitely have his or her own sources of information inside any structure, even those that are theoretically the best protected. What you call 'accidental leaks of information' are and will be means used by persons inside those institutions to solve their own personal or institutional problems or, in many cases, to protest against the institution's general policies, concerning one topic or another. It is not fair to extend this statement to all the officials working in an institution, but it remains true for some cases, 'Deep Throat' being a classic example in this respect.

Of course, there are cases in which information will not come for free, but this is not the sources' first motive. This, from our point of view, can make them credible when, along with documents, they offer their own comments or analysis, many times much more complex and enlightening than the data contained in the actual documents. What do you have to offer?

The answer may be interesting to us, or we may ignore it or mention it only in passing as a minor factor, which, as you know, is what often happens. All depends on the nature and timing of the answer, because the first reaction will always be to consult the institution's spokesperson. If the answer received is vague or unconvincing, then the journalist's investigation will rely more and more on other sources. Logic and pressure of time make this process an almost mechanical one.

Why don't you want to speak out? This is an almost rhetorical question, when, in OLAF's case for example, leads do exist, such as the one coming from the Supervisory Committee, which states there must be much less communication with the press. The true problem is that, in this case, bridges with the communication department are burnt and that all unofficial sources inside OLAF automatically

become credible, the ones that will gladly agree to provide documents or analysis ‘on a deep background basis’, to use the classic terminology. Is this the right solution?

Not at all, we dare say, because we would then miss out on an essential link in the journalistic approach, concerning the possibility, however limited or theoretical, of verifying our conclusions by relating them to the official version. At least for the satisfaction of proving ourselves right or of demonstrating that our sources are more trustworthy and complete than what you want to disclose to the public.

We know very well that your dilemma is connected to specific institutional constraints, especially to the principle of not disclosing information that will damage the development of an investigation. The problem is that, most of the time, this information reaches us through other sources, sometimes in good time, regardless of the number of barriers you wish to install.

From our point of view, the solution is not to raise more information barriers and definitely not to adopt legislation — even only internal regulations — which restrain information-sharing with the press. It has been seen in many cases that these measures are far from having the desired effect of discouraging the investigative journalists, rather the contrary, and we all know the consequences of that.

Is this dilemma impossible to resolve? We believe not, and our experience with OLAF has proved to us that establishing a relationship based on trust and on mutual respect of professional requirements has led — however long it has taken — to the establishment of a privileged channel of communication, through which real information rapidly reaches its real addressee, the public, without in any way affecting the interests of the investigators or of the institution itself. What is more, a very interesting phenomenon has occurred, which we regard as demonstrating the expansion of the social value of our specific contribution to changes in mentality and to the evolution of a society that is still undergoing a transition process. First of all, our approach, strictly related to the investigation itself in order to be correctly understood, had to incorporate an information component referring to European procedures in this area, explaining to everyone what OLAF means and what it can accomplish, how far its powers extend, compared to those of national institutions, demanding that their public communication departments adapt to fit the European institutional set-up. We have talked about your communicators’ network and we have requested our law enforcement agencies, the courts and the National Anti-Corruption Prosecutors’ Office to change their communication behaviour and open real communication channels with our colleagues from Romania.

The results have been spectacular and most welcomed at a time when dialogue between institutions and the press usually consisted of no more than a barren press release or a spokesperson forced to recite his homework.

For example, the National Anti-Corruption Prosecutors’ Office has established a personalised dialogue with every representative institution of the Romanian press at the level of the General Prosecutors’ Office — the highest national authority — and asked each of them to accredit a journalist specialising in anti-corruption affairs. We have also observed a substantial increase in the frequency of public statements of views by representatives of the National Anti-Corruption Prosecutors’ Office and General Prosecutors Office, and some prosecutors have been appointed as spokespersons, leading to an improvement in the quality of their press releases and public statements.

It is very important for national anti-corruption authorities, not only in Romania but also in the Member States, for OLAF to have the right communication policy and to avoid changing it in the sense

suggested by some Members of Parliament in Opinion No 2/03 of the OLAF Supervisory Committee of 18 June 2003 by saying ‘communication ...should remain limited in view of the risks it entails for the respect of fundamental rights and the reputation of the institutions and their members, officials and staff’. Most likely what would happen is that the national anti -corruption authorities would look to OLAF and copy any new model it adopts. This would be indeed a very negative change, not to mention that the previously explained Puwak Case would never happen again, and this would act against the public opinion’s interest.

What Mr Herbert Bösch, MEP, said about there needing to be ‘more investigators and fewer press officers’ is also against the public opinion’s interest, because OLAF press officers are responsible for providing information about the use made of the European taxpayers’ money. But it seems strange how Mr Bösch fails to notice that fewer press officers would ultimately destroy OLAF’s positive image. Around the world, investigators need answers as well as the cooperation of the general public. A negative image of anti-fraud authorities would make citizens lose trust in these institutions and in the motivation to fight fraud and would certainly not dissuade them from giving bribes. In the end it would run counter to the very efforts of OLAF and of national authorities involved in the fight against corruption.

Another MEP, Mr Szabolcs Fazakas, Chairman of the Committee on Budgetary Control of the European Parliament, declared that ‘the first idea that sprang my mind was that the fraud investigators should not be in the press at all’ and concluded that ‘not making headlines is a sign of quality’. Happily he changed his mind after reading other people’s opinions on the role of communication and information in deterring fraud. And I used the word ‘happily’ not only referring to public opinion’s interests but also to the very interests of the Members of the European Parliament. Because now, after the recent EP elections, it seems that they have forgotten that other elections will follow. And choosing to reduce the number of press officers and promoting a ‘limited’ communication policy on the European taxpayers’ money, will just further reduce the European citizens’ dwindling interest in the EP elections and will increase the serious problem of the so -called European democratic deficit.

Coming back to the Romanian context, I would stress that , by developing a real public communication department, we were able to expand the discussion by involving the top members of the political class. The time I previously mentioned, when the only official answer was a press release containing threats and nervous justifications, is long behind us. This is because we sought — apparently successfully — to send a message that the opening of an investigation regarding the use of Community funds in Romania does not mean a direct attack on the country’s prestige or a threat to its integration process, but is a basic process in a democratic context. An essential change of mentality which proves a journalist’s work is not reduced to no more than presenting a series of facts. If we can participate by launching a journalistic investigation in the implementation of fraud preventing systems — and this was our goal — this means the moral result of our approach has been even more worthwhile.

Furthermore, since I have been addressing the issue of mentality changes, I cannot imagine how, several years ago, a report such as OLAF’s, which showed that in my country there is the largest number of investigation cases, would have been received in Romania. Maybe there would have been violent political protests; maybe a public debate would have started between the parties in power and those in opposition, each side claiming that the other was the most corrupt, etc. Instead, we have organised a debate on the report, starting from an analysis made here in Brussels, with Mr Alessandro Buttice as our guest. The analysis showed the existence of a large number of cases that pointed towards two elements: fraud cases and an appropriate reaction on the part of the national authorities. What

could have turned into a political scandal had transformed itself into a serious analysis that was agreed on by the Romanian political parties.

One may reply by saying that the investigative journalist is not compelled to trigger a social reflection process. That is true, but from the very beginning I have stated that the target of our specific approach is Romania's information market, which obviously includes its political stage. Consequently, it is only natural to wish our approach to be even more open to supporting fraud prevention activities because, in the last few years, we have realised that only 'the story on fraud' is not enough.

There were far too many, and ending each story with the statement that 'in Romania there is fraud in relation to Community funds' could trivialise not only the conclusion, but also the entire issue, because too many news articles and investigations on this topic not followed by the engaging of a broader phenomenon could produce apathy and disinterest from the audience. We believed it was important to involve the State authorities in the analysis of the core of this phenomenon as much as possible, beginning, of course, from real cases and correctly handled investigations, but what was essential was observing a reaction, an answer at a national institutional level. The audience was tempted to simply watch, just as they would watch a play at the theatre, not being emotionally involved at all, because they still had something of a lack of trust in institutions and in their transparency capacity. The investigation itself was important, but our approach would be truly successful only when we could prove that what we call 'the voice of society' does matter, and when the authorities open their gates and are compelled to respect democratic principles. Going even further with this reasoning, we prove that the rule of law means that every one of those who are watching, whenever a problem occurs, will have free access to this circuit based on what we call the free movement of information and strict compliance with citizens' rights.

I am convinced that, for most of you, these things may be part of those 'general truths', but please believe me that, for other generations of journalists from your countries, they were at one time as important as they are now for us, the truths that prepare us — and public opinion in our countries — for accession to the EU respecting this system's quality standards.

Thank you very much.

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