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Corruption as a Public Problem : Do Policymakers Need a New Perspective?

Title of the paper

Social Accountability and Accountability Relationships: Typology of Support Roles

Author

Samuel Siebie Ankamah
PhD Candidate
Center for Governance and Public Policy
Griffith University, Australia
s.ankamah@griffith.edu.au

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Abstract

In recent years the need for interactions between horizontal accountability institutions (e.g. anti-corruption agencies) and social accountability mechanisms (e.g. media and civil society including citizens) has received much attention in scholarship. It is argued that these interactions help close the so called accountability loop. However why accountability institutions should interact with social mechanisms remains understudied. Specifically, the various support roles social mechanisms play in relation to accountability institutions is not well understood within the accountability literature. Drawing on evidence from in-depth interviews with key stakeholders including anti-corruption agency staffs, journalists, civil society and other observers in two Australian states, the paper develops a typology of support roles social mechanisms may play in relation to anti-corruption agencies. These findings support the need for interactions and as well affirm the potential for research into how these support roles can better be provided for enhanced accountability outcomes.

Keywords: Social Accountability; Public Accountability; Anti-corruption Agencies; Corruption; Australia

1. Introduction

Corruption, often understood as the 'misuse of public power for private gain' (Rose-Ackerman, 1999, p. 91) is a problem in both the global north and south (Herrmann & Fletcher, 2012; Mitchell et al., 2014; Sampford et al., 2006). The manifestation of corruption however, is different across countries and regimes (see e.g. Johnston, 2005).[1] In developed countries like Australia for instance, Tiffen (2014) acknowledges that barely a day goes by

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[1] Johnson found four main syndromes of corruption. These include: Influence Markets (often with matured democracies e.g. United States and Germany); Elite Cartels (often with reforming democracies e.g. Poland and Chile); Oligarchs and Clans (often with transitional regimes e.g. Russia and Philippines); and Official Moguls (often with undemocratic regimes e.g. China).

without newspapers reporting about corruption in government. Comparably Brown notes that 'the prevalence of low-level petty corruption and potentially systemic mid-level corruption on a Commonwealth [Australia] level is probably higher than anybody has currently documented' (quoted in Caldwell, 2017). As a result, the fight against corruption is now central to agendas of good governance, economic growth and overall international development worldwide (Fritzen & Basu, 2011; Halloran, 2015; Johnston, 2005).

In this fight against corruption, especially in liberal democracies, accountability is often cited as one of the critical approaches. In Robert Klitgaard's famous formula –'corruption equals monopoly plus discretion, minus accountability' (Klitgaard, 1988) for instance, accountability serves as the main anti-corruption approach. In this accountability approach, two main mechanisms are established outside election periods. *First* is horizontal accountability, for example, through other state agencies (e.g. anti-corruption agencies and Ombudsmen) expected to be independent and vested with more powers to hold other public officials to account (O'Donnell, 1999). *Second* is social accountability, normally exacted by civil society, media and the general public in demanding accountability from public officials (Malena et al., 2004; Smulovitz & Peruzzotti, 2000; Smulovitz & Peruzzotti, 2003).

While both of the above mechanisms have been recognised as important for holding public officials to account, efforts have focused on strengthening the performance of each (Goetz & Jenkins, 2001) notwithstanding their close connectivity for enhanced anti-corruption outcomes (Ankamah, 2016; Brinkerhoff, 2001; Heinrich & Brown, Forthcoming). Meanwhile horizontal accountability mechanisms on their own have been considered insufficient and that there is a fundamental interconnection between horizontal and social accountability mechanisms which makes the former fail to exist in a meaningful fashion without the latter (Schacter, 2005). Comparably, it is often difficult for social mechanisms alone to effect sanctions without formal oversight institutions (Fox, 2015; McCubbins & Schwartz, 1984;

O'Donnell, 2006; Peruzzotti & Smulovitz, 2006a; Rose-Ackerman, 1999, p. 171; Schatz, 2013). Using Transparency International's National Integrity System approach in 38 countries for instance, Heinrich and Brown (Forthcoming) found that there is a positive correlation between the weakness and strength of horizontal and social accountability mechanisms. Heinrich and Brown further found that in low level corruption environments like Australia, horizontal mechanisms are critically significant supplements to social accountability for enhanced accountability outcomes. The current consensus in scholarship as noted by Jonathan Fox therefore is that '*voice needs teeth to have bite – but teeth may not bite without voice*' (Fox, 2015, p. 357; see also Halloran, 2015).

Yet, when and why horizontal accountability mechanisms need social mechanisms is understudied. Specifically the support roles that social mechanisms play to horizontal mechanisms is less well understood and conceptualised in accountability scholarship. Therefore, this paper answers the question: what support roles may social accountability mechanisms play to horizontal accountability institutions? As put forward by Fox (2015), both research and theoretical, including conceptual work lag significantly behind practice. Consequently this paper contributes to the initial discussions on the need for accountability relationships by developing a typology of support roles social accountability mechanisms may play to their horizontal counterparts. Hence this paper does not only fill a gap in scholarship but is also relevant for practitioners.

This paper is structured firstly with the introduction section. The second section presents the scholarly debate on the concept of social accountability and how it manifests in practice. The third section focuses on the research approach including the process of data collection and analysis. Section four presents the findings of the study while section five discusses these findings and draws a conclusion.

2. Social Accountability and Anti-Corruption

Social accountability has become popular in contemporary governance especially in 'contexts where traditional mechanisms of political accountability have largely failed to deliver' (Joshi & Houtzager, 2012, p. 146). Consequently social accountability initiatives have continued to multiply in the transparency and accountability field (Fox, 2015). A number of researches have attempted to conceptualise social accountability initiatives and its relevance (e.g. Ackerman, 2005; Malena et al., 2004; Peruzzotti & Smulovitz, 2006b). Others have also focused on social accountability practice (e.g. King et al., 2013; McNeil & Malena, 2010; Sirker & Cosic, 2007) and the relationship between social accountability and state oriented accountability in fighting corruption (e.g. Ankamah, 2016; Goetz & Jenkins, 2001; Smulovitz & Peruzzotti, 2003).

Social accountability, on one hand, engages citizens and civil society in government policy and decision making on the use of public resources (Bousquet et al., 2012; Brinkerhoff & Wetterberg, 2015; Fox, 2015; Grimes, 2013; Malena & McNeil, 2010; Walker, 2009). On the other hand, social accountability involves the media and other actors in society that work to hold public officials accountable (Grimes, 2013; Malena & McNeil, 2010; Sirker & Cosic, 2007; Walker, 2009). According to Smulovitz and Peruzzotti (2003, p. 150) social accountability is a:

> *'nonelectoral, yet vertical mechanism of control that rests on the actions of a multiple array of citizens' associations and movements and on the media, actions that aim at exposing governmental wrongdoing, bringing new issues onto the public agenda, or activating the operation of horizontal agencies'.*

This, according to Bousquet et al. (2012) makes social accountability a crucial feature of democratisation. It is argued, a fundamental principle of democracy is that citizens have both the *right* and the *responsibility* to demand accountability and to ensure that government acts in the best interests of the people (Ankamah, 2016; Malena et al., 2004). Public actors can and

should be held accountable for both their conduct and performance. In other words, citizens have the right to ensure that public actors (a) obey the law and not abuse their powers, and (b) serve the public interest in an efficient, effective, and fair manner (Malena & McNeil, 2010, p. 5)

The underlying premise of governance regards the maximisation of public resources for the betterment of citizens. Therefore, since citizens are victims of poor government decision-making should have not only the right, but also the power, to participate in such decisions according to this governance approach (Ankamah, 2016). Consequently, there has been a renewed interest in scholarship to citizens – the true principals of other nonelected public officials so as to boost social accountability to complement horizontal accountability mechanisms (Ackerman, 2004; Smulovitz & Peruzzotti, 2000). This is particularly important according to some scholars (e.g. Schatz, 2013, p. 162) as it is impossible to corrupt the whole society by top elites, 'making this form of…accountability much less inclined to the problem of complicity'.

Societal accountability tools may include citizen report cards and social audits. It may also involve the institution of public reporting and also where public panels are as well established (Bovens, 2007). It is thus 'an umbrella term for diverse approaches to exercise voice, ranging from the simple exposure of government failures to participatory performance monitoring, expenditure tracking, budget analysis and participatory budgeting among others' (Schatz, 2013, p. 162). In the Philippines for instance, Yilmaz et al. report that the local government code allows maximum participation of social groups and civil society organisations to participate in public procurement processes (Yilmaz et al., 2008). Comparably, Malena and McNeil (2010) documented that community scorecards are used by both users and service providers for such accountability arrangements in Malawi.

However most instances of social accountability showcase reactive efforts mostly targeted at ending a particular case of abuse (Grimes, 2013). Marcia Grimes further notes that such ex post efforts used in holding public officials accountable operate in two main ways: 'mobilizing public protest and assisting in the collection of relevant information and evidence'(2013, p. 384). In this way social mechanisms operate to activate formal state oriented institutions of accountability and reflects what McCubbins and Schwartz (1984) call fire alarms which works to alert such oversight bodies. Thus social accountability mechanisms use both institutional and non-institutional tools, which involves the activation of legal claims in institutions of oversight and 'encompass social mobilization and media denunciation' respectively (Smulovitz & Peruzzotti, 2003). This is because social accountability alone is able to 'expose misdeeds but do not impose material consequences' (Schedler, 1999, p. 16) since they lack the possibility of judgement and sanctioning powers (Bauhr & Grimes, 2014; Bovens, 2007). This is particularly so as accountability relationships are, often, power relationships (Jenkins 2007 cited in Schatz, 2013). Consequently social accountability alone may not be successful in exacting accountability (Olken, 2007) but often depend on state oriented accountability agencies to effectively hold public officials to account (Bauhr & Grimes, 2014; Fox, 2007; Schatz, 2013)

To this end, social accountability is perceived as an 'antidote' to the weakness in state oriented accountability (Brinkerhoff & Wetterberg, 2015) and its' effectiveness and impacts in accountability relationships have received much attention. This is even more so as empirically there appears to be the prevalence of "forum drift" and the inherent challenge remains of how to stimulate such failing forums to effectively hold public officials to account (Schillemans & Busuioc, 2014). However, to date, only few studies have actually tried to map out the roles social accountability mechanisms play in accountability relationships. Smulovitz and Peruzzotti (2003) for instance conceptualised, broadly using two anti-corruption cases,

the role of social accountability mechanisms – civil society, citizens and the media – in exacting accountability into four key roles: expose and denounce wrong doing by instilling public interest in a particular phenomenon; impose symbolic sanctions on public officials and in the case of political officials, such sanctions may hinder their electoral success; activate the operations of horizontal accountability mechanisms; and serve as a guard to horizontal mechanisms (see also Peruzzotti & Smulovitz, 2006b, p. 11). Jacobs and Schillemans (2016, pp. 27-28) also conceptualised broadly the roles of the news media, part of social accountability, in exacting accountability into four key roles using documentary (newspaper) evidence from the Netherlands, including: 'spark' formal accountability forums as they cover issues of misconduct in public administration; act as accountability forums by uncovering abuse of power mainly through the works of investigative journalists; act as an 'amplifier' to the works of formal accountability forums for public information dissemination; and trigger formal accountability forums.

None of this work specifically explored the key support roles social accountability mechanisms play in relation to their horizontal counterparts in exacting accountability. This gap is what this study fills in the accountability scholarship, by drawing on the above conceptions, to explore and conceptualise the specific roles social accountability mechanisms may play in relation to horizontal accountability mechanisms, using empirical interview evidence from key stakeholders.

3. Research Approach

I adopted a qualitative multiple case study research approach in this research 'as it presents an in-depth understanding of the cases' (Creswell, 2013, p. 98). Moreover the qualitative approach is mostly appropriate for accountability research in that as public officials create and are often constrained by accountability structures, it causes a change and shift in

accountability as actors act and interact (Yang, 2014). This, according to Yang is more so due to the understanding of accountability as a virtue or institutional arrangement; therefore the way accountability manifests and is implemented cannot be separated from 'actors' values, perceptions, interpretations, and strategic responses' (Yang, 2014, p. 162) which are critically significant to this research. Therefore it is best to study these interactions and processes in perspective (Yin, 2009).

Data used in this article are mainly interview data and were collected by the researcher, as part of an Australian Research Council Linkage Project 'Strengthening Australia's national integrity system' with Transparency International Australia and other agencies, in two jurisdictions – Queensland (QLD) and New South Wales (NSW) – within a period of five months (July-November, 2016). Interviewees were selected purposively from key stakeholders identified including anti-corruption agency staffs[2], journalists, civil society including complainants, and other observers. In total, 25 recorded-interviews were held and each interview lasted for about an hour. These parties to the accountability processes and relationships were always asked the same questions and where available their 'answers were contrasted with evidence from formal documentation as a method of triangulation' (Schillemans, 2011, p. 398).

For credibility and reliability of the findings and subsequent discussions, Creswell's process of qualitative field work data analysis was adopted (Creswell, 2013). *Firstly*, the field interview recordings was organised and transcribed verbatim. *Secondly* the transcripts were transferred into the NVivo 11 software for coding. Thirdly, these were coded and classified using the transcript into categories and themes after running a word frequency query. Interviewees were coded to protect their anonymity. For example anti-corruption interviewees

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[2] For the purposes of this research, ACA staff comprised of both current and former staffs of the selected ACAs who accepted to grant interviews.

were coded ACA_1_NSW or ACA_1_QLD. *Lastly,* data within the various categories and themes were analysed using the thematic qualitative data analysis method. This helped in the provision of a "thick description" and interpretation (Marsh & Stoker, 2010, p. 257). Since the aim of the paper is to identify and conceptualise the support roles social mechanisms may play to anti-corruption agencies I synthesised and triangulated, as part of the analysis, the views of interviewees across the two jurisdictions. This was done using Denzin's methodological triangulation approach to further enhance the reliability and credibility of findings (Denzin, 1978).

3.1 Case Selection

The anti-corruption agencies (ACAs) selected to answer the question posed in this paper were the QLD Crime and Corruption Commission (CCC) and NSW Independent Commission against Corruption (ICAC) in Australia. In Australia, almost every state or territory has an anti-corruption agency of some sort (Masters & Graycar, 2015); normally part of the state's integrity system (Smith, 2005; Transparency International, 2004) and exercise core functions in fighting public sector corruption. The two cases selected for the purpose of this paper have both operated for almost three decades and often serve as a model for other new agencies. Moreover they were both created as a recommendation to fight corruption after investigations revealed significant corrupt conduct in both states in the 1980s. For instance the Fitzgerald enquiry into police misconduct and public sector corruption in Queensland led to the creation of the CCC (Grabosky & Larmour, 2000, p. 4; Prenzler & Faulkner, 2010). Comparably, Maor (2004, p. 10) reports that the ICAC was created as a result of series of corrupt scandals that engulfed NSW and subsequently led to the 'imprisonment of a Chief Magistrate and a Cabinet Minister, trials of senior officials … and the discharge of a Deputy Commissioner of Police' (see also Gorta, 2003; Heilbrunn, 2004; Johnston, 1999). Maor further notes that these agencies were established by a more special statute that makes them independent statutory

bodies; only accountable to a bipartisan parliamentary committee. According to Callinan and Aroney (2013, p. 28), until this period the 'establishment of standing anti-corruption and misconduct bodies in Australia was…almost novel'. Although the form in which they take including their functions and powers may differ in some respect (Callinan & Aroney, 2013) they are both mandated to investigate and prevent public sector corruption.

4. Findings

In an interview with one ACA personnel, he stated that '*the role of the media and civil society is absolutely critical to our work… If you were to draw a map of a jigsaw of how everything comes together, I'd say the media and the public are big pieces of that jigsaw*'. This view summarises the critically important support roles social mechanisms play to ACAs' activities and operations. It is within this context that the findings are situated. Analysis of interviews revealed that there are four critical support roles social mechanisms may play to ACAs' operations in liberal democracies, including: activate and provide evidence to ACAs' investigations; communicate ACAs' activities and operations; act as informal accountability forums to ACAs; and safeguard ACAs' independence, mandates and powers.

4.1 Activation and Provision of Evidence to ACAs' Operations

Analysis of interviews revealed that social mechanisms activate and provide evidence to ACAs' investigations in two main forms including: (i) complaints and reports on corruption; and (ii) holding parallel investigation mostly by investigative journalists.

Complaints and Reports on Corruption

It was evidenced that complainants including whistleblowers are critically important sources of information to ACAs on where corruption lies in public office. Respondents expressed that ACAs are more reactive than proactive in investigating corruption, mainly because acts of corruption are done undercover and for that matter ACAs only get to know of such hidden

acts when they receive complaints. ACAs acknowledged that they can only play a significant role when issues of corruption come to them and that if they do not receive a complaint or have no information about corruption they will not know about it:

> *I think [whistleblowers and complainants] are exceptionally important because they are often the best source of information. You have members of the public who work in public sector agencies that could bring us information. They could make public interest disclosures [PIDs]. They often are the complainants that come to us. So very important and I think everyone in society has a role to play to stamp out corruption and we can only do one part of it once it comes to us.* (ACA Interviewee_4_QLD)

This finding is further corroborated by a CCC 2016 annual report in which the commission reported that 'complaints and allegations are a principal starting point' for most of their investigations (CCC, 2016, p. 41). Comparably in an ICAC report, the commission emphasised that, where people do not know where to report or are unwilling to report on corruption, the ICAC would be severely constrained (ICAC, 2013, p. 23). Further analysis of the data revealed that ACAs preferred, where possible, complainants to include their details so that where needed, they can be contacted for more information. Meanwhile complainants sometimes rather preferred to approach journalists to present their narratives. However it was unveiled that a significant proportion of journalists often direct and help complainants to pass their complaints to ACAs; mainly because journalists are normally constrained by laws of defamation.

Further analysis of interviews revealed that, another critical support role the social mechanisms – mostly investigative journalists – play to ACAs is by reporting and exposing corruption. It was established from the data that the media's role is to ventilate problems as they arise in society and so when investigative journalists publish outcomes of their investigations, ACA staffs often read the revelations and where allegations meet thresholds of serious or systemic corruption in public office, such revelations become the subjects of ACAs' investigations. ACA interviewees acknowledged that, often investigative journalists

are aware of unsavoury things happening in public agencies before ACAs become aware of them. The excerpts from interviews, below, depict the significant support roles investigative journalist play to ACAs' operations:

> *Our whole history of this organisation [CCC] started with just that, with an investigative journalist doing that so I acknowledge that…The one on the wall is exactly that and it first started in the Australian. There was a story about the last elections and donations about a mayor up here on one of our councils…What we would do is look at that as information coming to us to say, well, what do we do with it?* (ACA Interviewee_3_QLD)

> *I would read stories that I think are worth investigating and those stories can be an incentive to commence investigating some issues. In what was called operation Jasper which involved members of the Obeid family, the media had been investigating the Obeid family much longer than ICAC and they have more material than we did.* (ACA Interviewee_1_NSW)

> *There's been several times where I have published stories about members of parliament and then they have become subjects of hearings in the ICAC. The Australian border case is one, the circular Quay café is another. I did an investigation into the Sydney harbour authority that led to public hearings and corruption findings. So from time to time, yes, I think the works of investigative journalists is picked up upon by investigative bodies.* (Journalist_3_NSW)

Further examination of interviews revealed that journalists have two main motives in reporting and exposing corruption, apart from the issue being a good story. *First*, ACAs have enormous powers to go beyond the reach of investigative journalists. For instance ACAs can access bank accounts, telephone and email records among others. *Second*, the public pressure that comes with publications, often compel ACAs to look into the issues raised in newspaper publications. However some interviewees suggested that since investigative journalists normally do not follow evidentiary standards in all their investigations, they should be circumspect in their publications in order not to jeopardise people's reputations.

Parallel Investigations

Analysis of interviews with journalists and ACA staffs revealed that investigative journalists not only activate ACAs investigations as earlier stated, but sometimes continue with their investigations alongside that of ACAs to flush out more evidence to substantiate their (journalists) initial findings published. Although the general view for the continuous publication of their investigative findings, often referred to as "parallel investigation" is to feed their audience and protect the public good, such publications also provided more evidence and witnesses for ACAs investigations:

> *I did a big project on what is called the boiler room fraud on the gold coast. So the guy who is the main target of that investigation for our work was a former police detective who became a private investigator and his specialisation is to provide advice to the boiler room operators on how not to get caught. That was an example of a parallel investigation where I and one of my colleagues in the media were investigating and the CCC were investigating the same thing...Him, his wife and son and in fact about 29 people in total are now facing serious charges as a result of the investigation we did and that of the parallel investigation with the CCC.* (Journalist_2_QLD)

> *Sometimes during investigation or a public hearing or before a public hearing, a really good investigative journalist would publish a material that we would not know about. That could give us new leads and that could help us.* (ACA Interviewee_1_NSW)

Notwithstanding the contributions of parallel investigations to the success of ACAs' operations, further analysis of interviews unveiled that journalists found it extremely difficult in getting pointers from ACAs when they contacted them about a case ACAs are potentially investigating; and are normally replied with a "no comment" answer. Further examination on why ACAs take this position revealed that such revelations to journalists may either prejudice their investigations or result in reputational damages of alleged corrupt officials under investigation.

4.2 Communication Channel

Analysis of interviews unveiled that the news media serve as a communication channel to the activities and operations of ACAs in two main ways, namely: (i) communicating ACAs' reports and findings; and (ii) covering ACAs' public hearings.

Interviewees expressed that ACAs normally provide copies of their reports and findings to the media, through the 'media release' portals on their websites. This is done to make journalists have easy access to such information and push them for public information dissemination. Thus publicity of ACAs activities may be achieved through annual and special reports and issue papers (McMillan, 2016). For instance, when CCC released its report on *"making allegations of corruption public: Is it in the public interest"*, The CCC put up a media release and called for a press conference to discuss the findings and recommendations of the report for public information dissemination. Although, some journalists expressed that they are just doing their job by keeping society abreast with what goes on in public administration:

> *Their role is to push information. So when we put information on our website and release media statements and things like that, I mean we do that so that that information can get pushed.* (ACA Interviewee_5_QLD)
>
> *The media assist in broadcasting [ACAs'] work. If the commission makes findings against a member of parliament of corruption and I knew about it I will report on it…The media is doing their job which is to report on corruption and that is essentially the central role of the fourth estate. Here you have agencies that make corruption findings where we as a media report them…for the purpose of disseminating information that is in the public's interest.* (Journalist_3_NSW)

One important issue emphasised by interviewees as part of the media's role in information dissemination was the ability of journalists to summarise ACAs' reports to make such reports easily comprehensible and interesting to read in order to achieve the purpose for which they were released by ACAs – thus to get public attention and awareness of the works of ACAs:

... [T]he media has a special duty to publish all the public material and publish in such a way that it sticks in people's mind. If an ICAC [ACA] report comes out let's be honest it's going to be 200 pages long so you do need someone who has the ability to summarise that in the media and make it interesting to people. (CSO Interivewee_3)

Despite this general acknowledgment of the critically significant role journalists play in the dissemination of ACAs' reports and findings, study data revealed that some sections of ACA staff frown on this practice especially when it comes to feeding journalists with certain information that they deem it to be held in secret. Such opposing views within ACAs are due to the fact that media reports cannot be controlled by ACAs. Closer examination of interviews established that what such views do not realise is that information are only provided to journalists to help them write stories about ACAs in order for the public to know what ACAs have been doing. In this way, the media is used as a communication channel.

Analysis of interviews further revealed that, another way the media serves as a conduit to ACAs' operations is by covering their public hearings where applicable. Interviewees expressed that during public hearings, ACAs often depend on the news media to convey how activities unfold to the wider public. ACAs do this by allowing journalists to participate in such hearings as observers, mostly with their gadgets to enable them communicate with their newsroom staffs as hearings proceed. This according to interviewees builds public support and acceptance for the findings of such hearings; and consequently, sometimes, flushes out more evidence for ACAs. This practice of 'government in the sunshine' gives the wider public some ability to oversee parts of ACAs operation as they directly participate (Meagher, 2005, p. 93):

During the public hearings, [we] report what is going on and the members of the public read this and they get in touch with ICAC or with journalists. One of the interesting ones was the inquiry into the Wollongong city council and that involved developers paying bribes to council officers. Because the inquiry was public, a lot of people reading from the media obviously became interested...because of what they see. (Journalist_2_NSW)

When we have our public hearings of course the media come along and it's all open and we get great reviews out of that. They've got a lot of information and that serves a huge purpose because those people who weren't at the public hearings can read about it later. So I think they should continue to play that role. (ACA Interviewee_3_QLD)

However one respondent, although acknowledged the significance of the media in this role, argued for such reports of ACAs' activities to rather focus on their findings rather than propagating what transpires during investigations:

I worry about the role of the media in publicising mere accusations at an inquiry. Particularly - I'd be less worried if the rules were changed so that accusations were capable of being tested with cross-examination and if those subject to adverse allegations were able to call witnesses of their own. (Journalist_1_NSW)

The findings presented above, in relation to the media's role as conduit to ACAs' activities and operations is even more critical as citizens know much of what happens in public affairs through the media (McCombs, 2013). These findings are further corroborated by an ICAC annual report which emphasised that news media report on works of the ICAC helps in informing the wider community on why the commission's work is relevant; which in turn helps the commission to achieve its overall goal of fighting corruption in public service (ICAC, 1993).

4.3 Informal Accountability Forum

Analysis of study data revealed that social accountability mechanisms serve as informal accountability forums to ACAs. This is mostly due to the fact that ACAs often have powers to operate in autonomous fashion and may be corrupt themselves when freed from accountability (Gregory, 2015; Kpundeh, 2004) by abusing their powers and infringing on citizens' rights. Moreover, social mechanism interviewees mostly expressed that there are normally no appeals on the merits of ACAs' decisions and that although there is an appeal to

the courts on errors of law, the substance of ACAs' decisions is beyond appeal. These according to social mechanisms make their oversight role on ACAs all the more important, although one journalist expressed that the media has failed to play this role effectively. A shared view of interviewees was that, occasionally, the support roles to ACAs are best in the form of criticisms. Although, ACA interviewees expressed that such criticisms are best when constructed in a way that is not perceived as a threat to their activities and operations. Thematic analysis of interviews revealed that social mechanisms may play this support role in two main ways, namely: (i) Complaints on ACAs' investigations mostly by complainants; and (ii) critical commentary on ACAs' investigation reports and use of powers.

Analysis of interviews revealed that complainants express their displeasure on the failure of ACAs to investigate their complaints or follow due diligence on the assessment of their complaints and in turn informally hold ACAs to account in four different ways. *First*, complainants contact journalists to narrate their stories on how their complaints were ignored without proper justification from ACAs. It was established that ACAs are sometimes reluctant to investigate an issue for one reason or another '*and the media would pound them*'. *Second*, complainants may also write formally to ACAs to demand detailed explanations on why their complaints was not investigated or ignored. Complainants, in lodging such complaints may also do so with formal oversight bodies of ACAs such as inspectors or parliamentary commissioners or committees. *Third*, complainants may openly criticise ACAs when they get the chance to participate in ACAs' public forums – to discuss policy and legislative issues. *Fourth*, complainants may notify members of parliament, or through media publications. This makes it possible for parliamentarians to pose related questions to ACAs when they appear before parliament to give account of their operations and activities over a period:

> *I think when the media write articles that our investigations are taking too long or that why we aren't investigating a particular matter over another matter. Often they may*

not know the full picture. However when they raise those types of questions I think it's good. I think...it makes us think about that criticism at times and think how could we do things better. (ACA Interviewee_4_QLD)

Furthermore, study data unveiled that commentaries on ACAs' findings and use of mandates by social mechanisms are very important to ACAs if such commentaries are constructed honestly and professionally. Respondents expressed that in this way, civil society activists, journalists and other observers can suggest to ACAs that they have done the wrong thing and for that matter, they need to render accounts to formal oversight bodies. Thus respondents argued that social accountability mechanisms such as civil society organisations and news media act as society's watchdog. Consequently ACAs should acknowledge that they will sometimes be scrutinised by these social actors on behalf of the wider society. It is therefore very important that in such circumstances, ACAs do not perceive them as enemies by being overly defensive.

> *In NSW there have been issues with the ICAC and there have been journalists running very critical stories about the way in which the commission has operated and I have no problem with that as long as those stories are accurate and fair and are in the public interest.* (Journalist_3_NSW)

> *Some of the mistakes this agency made in the past I think they deserved the negative media coverage. I've been around for a long time and seen much worse things than that, that agencies have done. Sometimes you have to wear the negative criticism. But the way to do that is to have a professional working relationship with the media.* (ACA Interviewee_4_QLD)

Further examination of interviews revealed that, this particular role social mechanisms play, complements that of formal oversight bodies to ACAs such as the parliamentary crime and corruption committee of Queensland, parliamentary committee of the ICAC and the Inspector of ICAC among others. In this way social mechanisms will be serving their "watchdog" role

although they normally lack mandates and powers '*of actually holding them [ACAs] by the neck and dragging them*'[3]:

> *In NSW the inspector can have access to anything in ICAC, under an obligation of confidentiality and that is the way in which the proprietary of the exercise of its powers can be best checked and monitored.* (ACA Inspector_1)

However, findings showed that the media landscape are fragmented to some extent that, sections of the media seem to pursue their own agenda other than the public interest. In NSW for instance, interview data revealed that there seem to be an agenda by a particular news agency to discredit the works of the ICAC. Some interviewees even attributed this fragmentation in the media to party affiliations. For instance one interview stated that there are two reporters at a particular news agency who *'consistently run stories attacking the commission [ICAC] particularly when the issue of the liberal party came up…which I think is really interesting'*.[4]

4.4 Safeguard ACAs' Independence, Mandates and Powers

Analysis of interviews established that another important support role that social mechanisms may play to ACAs is by defending their independence, mandates and powers. Respondents expressed that it is really important for social mechanisms to, initially at least, support oversight institutions such as ACAs and the judiciary and that these "pillars of society" need to be defended until proven otherwise. Respondents argued that society values the fundamental objectives of ACAs and horizontal accountability agencies in general; therefore any attack on those fundamentals should be fiercely resisted by social mechanisms. Thus political elites normally hate to see accountability institutions operate effectively (Ankamah, 2016; Fitzgerald, 2014; Lakha, 2011) although they often rhetorically argue for stronger accountability institutions. For instance one interviewee recalled that '*a big reason for much*

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[3] CSO Interviewee_3
[4] Journalist_2_NSW

of the controversy surrounding the NSW ICAC in recent times is that many of the targets of ICAC's investigations are politicians' (Journalist_2_NSW) and another opined that Victoria's Independent Broad-based Anti-corruption Commission (IBAC) is *'considered successful because it has not yet investigated any politician'* (ACA Interviewee_1_NSW).

It was evidenced from interviews that in Queensland for instance, the changing of the Crime and Misconduct Commission (CMC) to CCC, by the Newman LNP government, which among others sought to make corruption a secondary function; take away the commission's corruption prevention function; and a reduction to the independence of the commission's research function, received fierce public resistance from key social actors including public accountability and integrity policy experts:

> *There was a lot of commentary around what was seen as the dilution of the research function. So there was...what I considered to be quite a significant public and media backlash around the undermining of the independence of the research function of the agency. So that was, I think, very powerful.* (ACA Interviewee_5_QLD)

This finding is further corroborated by Briody's report that, the Australian Lawyers Alliance, the Bar Association of Queensland, the Queensland Law Society and the Australian Lawyers for Human Rights were all critical of significantly vital parts of the proposed reform to the CMC (Briody, 2015).

Similarly in NSW, one particular example respondents often referred to on how social mechanisms rise up to defend the ICAC was the ICAC vs Margaret Cunneen[5] case. Respondents indicated that although the high court's ruling that the ICAC had no jurisdiction to investigate Cunneen, which of course was supported by some sections of society especially those who have previously be found corrupt by the ICAC, most prominent key social

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[5] Ms Cunneen is a NSW Crown Prosecutor who was accused by ICAC of advising her son's girlfriend to fake chest pains to avoid a breath test after a car accident in May 2014.

stakeholders argued in favor of ICAC and called for the commission's jurisdictions to be widened:

…around the Margaret Cunneen case, obviously it is a clear case where sections of the media said ICAC has an important role in society and we shouldn't allow its powers and jurisdiction to be lowered in such a way that it's going to make it unable to do its work effectively. (Journalist_4_NSW)

For instance Michael Bradely, a managing editor of Sydney law firm Margue Lawyers argued against the ruling which according to him would let more endemic cases of corruption go unnoticed (Bradely, 2015). To this end, respondents perceived that society's protest of the high court decision led to the government's resolution to widen the jurisdictions of ICAC. Similarly, the ICAC inspector's recommendation and subsequent submission to parliament by the NSW government to consider ripping ICAC of its public hearings powers on the grounds that it damaged people's reputations also received strong public resistance. For example the Accountability Round Table (ART) strongly opposed the denial of the ICAC to hold public hearings and argued that it is in the public interest to hold hearings as it promotes public trust in the ICAC (Accountability Round Table, 2016). Likewise, Geoffrey Watson, a senior lawyer; Harvey Cooper, a former inspector of ICAC; David Ipp, a former commissioner of ICAC; and Anthony Whealy, chair of Transparency International Australia (TIA) were all critical of the inspector's recommendations (Ipp, 2016b; Kelly, 2016; Watson, 2016).

Further examination of interviews revealed that anytime there is an attempt to meddle with the independence of ACAs by powerful political elites, social mechanism actors would rise up and voice out against such initiatives. The main reason, demonstrated by participants, is that ACAs are created to serve the public interest and they can only do that if they are independent of government. Respondents cited the restructure of the ICAC to have three commissioners by the Newman government as a clear case of meddling with the independence of the commission since it automatically required the commissioner to reapply for her position – of

which she eventually resigned. Respondents believed that the government's decision was a retaliatory measure to the commissioner – for investigating LNP MPs of electoral misconduct which led to the resignation of, or moving to the crossbenches of eleven MPs (Godfrey, 2014). Consequently respondents argued against the proposed changes and so were prominent key stakeholders of the NSW society (see e.g. Ipp, 2016a; Whealy, 2016). Closer examination of interviews further established that it is not only when government tries to establish legal or policy reforms to strip ACAs of their independence that social mechanisms need to rise up to defend and protect ACAs; but must do same when government and ACAs get along too closely:

> *I think the more insidious danger to these agencies is … when government seeks to use them, to co-opt them… When government gets too close to these agencies; not when they're at odds with the government but when government gets too close to them. It's too powerful an agency and can be too easily manipulated to achieve political ends.* (Journalist_1_NSW)

This will help prevent ACAs from being manipulated by the government in power towards its favour. For instance in Bangladesh and Poland, Hough (2013) reported that ACAs have been used to witch-hunt political opponents and have consequently made them bias and ineffective in fighting corruption. Accordingly, any indication that government and ACAs get along too closely should as well be perceived as interference in ACAs' independence.

5. Discussions and Conclusion

The study findings provide key insights into the support roles social accountability mechanisms may play to ACAs' activities and operations to effectively fight corruption in public office. Specifically, the findings have provided more understanding and expanded the literature in this area by suggesting a typology of these support roles based on the triangulation of empirical interview evidence from key stakeholders as shown in figure 1 below.

Social mechanisms such as complainants, whistleblowers and journalists activate and provide evidence to ACAs' investigations. They do this in two main ways, namely:

Figure 1: Support roles social accountability mechanisms may play to ACAs.

Reporting and exposing corruption where it lies; and conducting parallel investigations. The activation of ACAs' investigations by complainants and journalists concurs with the findings of previous studies by "sparking or "triggering" ACAs' investigations (Ankamah, 2016; Jacobs & Schillemans, 2016, p. 27; McCubbins & Schwartz, 1984; Smulovitz & Peruzzotti, 2003). The study findings suggest that, especially when journalists publish stories of where corruption lies in public office, they often garner public support and create pressure on ACAs to investigate those allegations. This findings provides empirical substantiation to O'Donnell's assertion that 'a media that does not shy away from reporting cases of encroachment and corruption, provide crucial information, support, and political incentives for the often uphill battles that agencies of horizontal accountability may wage against powerful transgressors' (O'Donnell, 2003, p. 48). Investigative journalists take this path primarily because ACAs have enormous powers to go beyond the reach social mechanisms.

To ensure that cases that are brought in the limelight receive proper scrutiny and objective finding, investigative journalists occasionally conduct "parallel investigation" to support ACAs' own investigation.

Furthermore, study findings show that the news media serve as a communication channel to ACAs' activities and operations for public information dissemination. The news media do this by reporting on ACAs' investigation reports, annual reports and proceedings of public hearings. This role of the media is consistent with and provides empirical confirmation to what Jacobs and Schillemans (2016) conceptualise as "amplifier" or "mirror" of accountability. According to Jacobs and Schillemans, the news media reports on formal accountability processes by broadcasting and writing stories which in effect magnifies and "potentially amplifies the effects of formal accountability" although the media does not play any formal role in the accountability process itself (2016, p. 27). They argue further that through such amplifications, negative stories can be regarded as a form of punishment and sanctions to corrupt officials and that "such mirroring-process is important, as it connects formal democratic accountability processes to the general public, which is ultimately the key principle in democracies" (p. 34). Although journalists do perceive this role as the ultimate purpose of their work, ACAs saw this as a support role through which they can get their works across society which in turn helps in building public support and acceptance of their existence.

The study further finds that social mechanisms support ACAs by serving as informal accountability forums. This role of social accountability mechanisms is surprisingly found to be very critical to ACAs. Thus the study finds that sometimes it is best for the support role to be in a form of critique. However such critiques should be constructive rather than perceived to antagonise the activities and operations of ACAs. Thus where it is perceived that social actors have an agenda to antagonise ACAs, it may affect, adversely, accountability

relationships. Although some scholars (see e.g. Jacobs & Schillemans, 2016; Smulovitz & Peruzzotti, 2003) acknowledge this role of social accountability in public administration, this finding specifically relates to formal accountability agencies who by themselves also play an oversight role on other public agencies. This finding indicate that social mechanisms perceive ACAs as just like any other state agency which may be corrupt themselves; and abuse their powers (Persson et al., 2010). Accordingly serving as an informal accountability forum over ACAs will keep them on their expected path of protecting the public good. Social mechanisms do this by running commentaries on ACAs' performance, investigation and annual reports, use of powers, and directly complain to ACAs' inspectors and parliamentary commissioners and parliamentarians where applicable.

Finally, the study finds that social mechanisms support ACAs by safeguarding their independence, mandates and powers. They do this by protesting strongly against any attempt by government to reduce such powers and independence that society thinks may undermine the effectiveness of ACAs in protecting the public good. The forms it takes may include newspaper publications and submissions to government departments and parliament; to garner wider public support to backlash policymakers and lawmakers. This affirms the need for ACAs to interact with social mechanisms to build a strong alliance and as well ensure strong internal controls to preserve ACAs' integrity from being discredited (Kuris, 2014). The implication is that where ACAs themselves do not exhibit high levels of integrity, society may not be willing to play this role. The study further finds that social mechanisms should support ACAs by protecting them, not only when government tries to reduce their mandates and independence but, when government gets too close to ACAs with the possibility of co-opting them for government's own interest. This will give little or no room for top political elites to use ACAs to pursue their own selfish interest.

Overall, the study implies, as noted by Schillemans and Busuioc (2014) that often there may be forum drift because unlike the traditional principal-agent model where the direct principal may have strong interest in how their resources and powers are used, the delegated forum such as ACAs may not have such strong interests. This is because they do not stand to directly benefit or lose from the bureaucratic agent's actions. They therefore suggest that the forum needs some incentives to stimulate their interest in protecting the public good. This paper suggests that such support roles that social mechanisms play or should play to ACAs' activities and operations are some of the incentives to stimulate the interest of delegated forums in effectively holding public officials to account; and in effect protect the public good. Although such support roles may not be sufficient, the paper suggests they are necessary in stimulating ACAs interest in fighting corruption in public office. The findings further provide empirical evidence and substantiation to Jonathan Fox's contention that '*teeth may not bite without voice*' (Fox, 2015, p. 357). However, such support is best won by ACAs when they acquire a 'reputation for boldness, impartiality and competence' in addition to 'good communication and public relations' (Dixit, 2016, p. 18).

This paper has affirmed the importance of interactions among accountability mechanisms in holding public officials to account. The findings are part of a PhD research, contributing to the development of a new framework of factors that influence interactions among accountability mechanisms for enhanced accountability outcomes. In the end, such a framework may be subject to empirical scrutiny in other countries, both developed and developing; for substantiation or expansion. However, what is now needed as an avenue for future research as far as this paper is concerned is how such support roles can be better provided to ACAs, to influence positive interactions for enhanced accountability outcomes. Such research finding may be useful to policymakers in framing anti-corruption policies and

strategies that are receptive to how such support roles can be effectively played by social accountability mechanisms.

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