

By Roberto Saba

Lessons learned in the implementation of FOI legislation in developing countries

Lesson 1: Freedom of information is a requirement for participation and development.

1. Governments must promote and secure development, and the culture of secrecy within governments and state institutions is a breach of that obligation.
2. In order for governments to meet their development objectives, a freedom of information regime is required.
3. Local groups need to be empowered by having access to relevant information in order to be able to voice their perspectives in the process of making public decisions particularly regarding development processes.
4. Different kinds of information are required as precondition for different types of citizen participation such as when they perform their watchdog role, or when they make private and public decisions.
5. Government must provide the public with a full scope of information regarding its work, no matter whether they carry good or bad news.

Lesson 2: Passing a FOI law is fundamental but it is not enough. The implementation of the regime is crucial.

1. It is necessary to develop broad public support to access to information (similar to what happens to freedom of expression). Such broad public support does not mean that every citizens will or should request information.
2. We need to stress the instrumental value and benefits of access to information in order to achieve people's goals in life, private or public.

Lesson 3: A good access to information regime requires civil society engagement.

1. In order to implement the FOI regime, it is necessary to count on a strong civil society backing the process of implementation.
2. To get that support from civil society, it may be important to involve it in the process of making the law. However, this it is not necessarily a precondition for a successful implementation process.
3. Civil society needs to remain engage in the long term. The challenge is how to sustain civil society interest even when the expectations it had on the law and its benefits are not fulfilled in the short term. The challenge is how to avoid disappointment and go on.
4. If civil society is not engaged the law will very probably fail.
5. In order to get civil society engaged, it is necessary to establish the connection between freedom of information and people's basic everyday needs (who collects the garbage, why it is not correctly collected etc.)

Lesson 4: Government is responsible for the implementation.

1. Strong political will and leadership within the government is required for the implementation process to take place correctly.
2. It is necessary to establish a strong and independent oversight body. (IFAI successful story).
3. Officials must be trained in the FOIA procedures.
4. Champions need to be identified and supported.
5. Transparency and access to information is good for the government because it improves the development process.

Lesson 5: Government should provide targeted information for participation.

1. The right to access to information involves also the government's duty to proactively provide information that enables people to participate in the decision making process and development initiatives.
2. Proactive information provided by governments should be relevant to particular sectors and groups.
3. Information is only relevant when it is communicated to people correctly and they can make use of it.
4. Provision of information should be timely for participating effectively in the implementing of development policies.
5. Governments have a duty to produce information that only the government can produce.

Strategies for strengthening FOI advocacy and regimes.

1. Ensure political will and capacity building in state institutions/ governments.
 - a. Champions should be identified in government and they need to be supported.
 - b. We need to change attitudes within government in the sense that it should be open and honest about what really happens. This is something that is good for the government. Better communication is good for government.
 - c. Different areas and agencies in government should share information and best practices. Free flow of information within the government and among different levels of government is key for good government and a successful development policy.
 - d. We need to build Incentive structures within the information system in order to improve openness.
 - e. We need to build confidence among officials about access to information how beneficial it is for their own work.
 - f. There is a whole package of laws regarding information and secret different from the FOIA. There should be a strategy to improve the

freedom of information regime that takes into consideration those laws and their relationship with the FOIA and its implementation strategies.

- g. Politicians, and not only governments, should be involved as allies of CSOs in the pursuing of access to information.
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2. Building CS coalitions and regional and global partnerships in order to build capacity, among other ends.
 - a. It is necessary to broaden the network of supporters of freedom of information in CS.
 - b. It is required to identify relevant actors at the global, regional and the national level.
 - c. It is required to build strong links between international and national or local actors.
 - d. It is necessary to empower local groups through providing information to them.
 - e. We need to have more coordination between international and local groups.
 - f. It is important to get the private sector involved in the development of an access to information regime, such as consumers groups
 - g. It is necessary to build up support from the business community, which is a natural ally that is sometimes removed from the freedom of information movement in developing countries.
 - h. It is necessary to strengthen advocacy by documenting our knowledge and intuitions about the benefits of freedom of information, in order to link access to information and development.
 - i. It is important to build up broader coalitions of CSOs and IGOs for supporting FOI.
 - j. It is necessary that RTI language and institutions are included into different networks.

 3. Getting a good law and the recognition of the right at all levels.
 - a. A good regulation should go along the lines of a set of standards that are universally agreed on.
 - b. Openness needs to get into the development process at all levels including donors.
 - c. NGOs should be more open and transparent.
 - d. Greater efforts should be made to get the commitment of developing actors in the recognition of the centrality of access to information. Aid effectiveness cannot be measured if there is no openness and access to information.
 - e. Foster recognition of right to access to information within the development sector (including international organizations).

UNESCO should take the lead in the promotion of ATI regime as well as coordinating with other international actors for pursuing the same goal, specifically within the UN system.