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Strengthening Transparency and Accountability through Access to Information

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Providing citizens with open access to information is a cornerstone of good governance. Transparency is essential to allow citizens and markets to hold institutions accountable for their policies and performance, to foster trust in government and minimize corruption. In the Latin America and the Caribbean region several countries have adopted Freedom of Information laws and a few more are currently considering them. This movement provides a unique opportunity to strengthen accountability relationships in the region.

The World Bank is providing ongoing support to Access to Information (ATI) implementation through different instruments. Argentina is currently implementing a presidential decree on access to information for the federal executive branch and the State Modernization II loan includes a component to support its implementation. In the Dominican Republic legislation was adopted and draft legislation to establish a regulatory body has been submitted to Congress. Finally, with Bank support for institutional development, the Honduran Congress adopted ATI legislation in late 2006 and appointed Access to Information Commissioners in 2007.

This note uses two examples to highlight the work of the Bank in promoting access to information. These illustrate the challenges of moving this agenda forward and the role of the Bank in convening dialogue among diverse stakeholders and facilitating cross-country knowledge exchange.

1. ACCESS TO INFORMATION IN HONDURAS

On November 27, 2006, the Honduran Congress approved the Transparency and Access to Information

(ATI) Law. As an active participant in the G-16¹ and pro-tempore chair of its Transparency Roundtable during the time the bill was under discussion, the Bank was able to foster an environment that favored an open and substantive policy debate, reflecting the role envisaged in the Bank's Governance and Anticorruption (GAC) strategy.

Access to information emerges as a public issue

The process was set in motion in 2001 when a group of journalists founded C-Libre (Freedom of Expression Committee) with the goal of safeguarding the right to freedom of expression in Honduras under mounting pressure from the public and private sectors against an independent media. During its first two years, with funding from the Ebert Foundation, UNDP, and the Danish cooperation, C-Libre's members visited the Organization of American States (OAS) rapporteur on Freedom of Expression, and learned about other countries experiences in this area. At the end of 2002, C-Libre organized the first National Dialogue on the Right to Information and Freedom of Expression, during which it commissioned the draft legislation that was subsequently presented at a Second National Dialogue.



¹ Honduras international cooperation working group includes the major multilateral (WB, IMF, UNDP, IDB, CABI) and bilateral agencies (Germany, Canada, U.S., Spain, France, Netherlands, Italy, Japan, Sweden, Switzerland, and European Commission) active in the country.

A twofold strategy ensued: first, C-Libre initiated a grassroots mobilization through local roundtables held throughout the country to raise awareness about the right to information beyond the capital city. Second, C-Libre circulated the proposal among policy makers and members of the donor community, and secured support from a variety of stakeholders, including the National Anticorruption Council (CNA) and continued strengthening its ties with the ATI international movement. Visits to countries with laws were organized as well as visits from international experts to Honduras, with support from the donor transparency roundtable.

Taking the battle to the political arena: confronting vested interests' influence

By 2004, the Honduran ATI movement had been able to build a widespread coalition. The regional consultations, coupled with discussions held with international experts from other countries, managed to effectively sustain the issue in the public arena.

The Maduro administration (January 2002–January 2006) reacted by trying to introduce its own bill in Congress. By this time however, civil society's proposal had gained enough legitimacy to force the Executive representatives to concede that "the proposal promoted by the citizenry and social organizations not only had popular and international support, but also had legal and substantive coherence." After several meetings with the president of Congress and with leaders of all the parties, the proposal was turned into a bill backed by the five parties represented in Congress. The bill was then referred to a House legislative committee.

The events that unfolded throughout 2005 highlighted the interests at stake. The legislative committee delayed its discussion and finally, due to pressures from influential sectors, declared that the bill was an "extremely sensitive legal instrument." Opposition to the bill came from several sources: the Honduran Private Sector Council, the Association of Media Owners, and the Journalists' Association. The joint opposition of business and media groups arose mainly due to the concentration of media ownership and the nature of business conglomerates as well as concerns about the disclosure of government contracts. While in other countries the media have provided critical support for the adoption of ATI laws, in Honduras mainstream media rallied against its approval in an attempt to preserve its monopoly over public information. A counter-reaction by civil society followed. In mid-

2005, a formal alliance was established under the name of Alianza 72 in reference to the Honduran Constitution's article 72 on freedom of expression. Based on the efforts initiated two years earlier, backed by 22 organizations—with a leadership role played by C-Libre—and with financial support from the OAS Trust of the Americas Foundation, Alianza 72 set out to mobilize popular support for the approval of the ATI bill and counteract the resistance of vested interests by adding new supporters, using alternative communication channels, and generally keeping the debate afloat. Regional dialogues and national workshops were organized with assistance from the Bank to gather support from the two main veto groups, i.e., the private sector and media groups.

Shaping political incentives: the emergence of champions within the Executive and the Legislative Branches

The timing of the political process offered new opportunities for the movement. The popular mobilization initiated two years earlier was paying off. Public demand for greater transparency was a central issue in the political campaign and candidates from different parties. Presidential candidate Manuel Zelaya Rosales, promised to pass the ATI bill if he won the elections.

True to his promise, the bill was brought to the floor following Zelaya's victory in November 2005. However, the process was far from over, and the debate between pro-reform and status-quo groups raged until approval of the bill at the end of 2006.

Two factors were key to bringing the policy-making process to a satisfactory conclusion:

- **A new champion** emerged within Congress: Mary Elizabeth Flores Flake, the first vice president, became an undisputed ally of the ATI movement. Daughter of former President Flores, a journalist herself and educated in the U.S., Vice President Flores embodied the new generation of Honduran politicians. Her personal charisma coupled with her access to the senior generation of lawmakers was central in gathering support from pro-status quo actors.
- **The influence of the international community** at a time when various donor initiatives were being organized around the G-16¹, the donor community issued a number of statements and met with Congress and the Executive branch at critical stages of the policy-making process to emphasize the importance of passing a law that aligned with international standards. While this influence was undoubtedly important by itself, pressure from the donor community had not been successful in enabling the implementation of other reforms in the past, such as the civil service reform.

G-16 and the Role of the World Bank: Lessons Learned

By 2006, several donors had agreed that the law was a priority on the reform agenda and the Transparency Roundtable served as the main donor coordination mechanism in this area. International cooperation agencies played different roles throughout the process by:

- **Providing seed money** for jumpstarting the awareness-raising process on the ground, and facilitating the exchange of information between Honduran and international actors;
- **Using convening power** to facilitate dialogue among Congress, the Executive branch, and civil society around technical issues and international good practices;
- **Encouraging civil society organizations to act collectively** and overcome the distrust among the different organizations that had limited their ability to work together in the past;
- **Conveying a unified message** on the importance of governance and transparency for the international community (G-16, IFIs, and bilateral agencies), using different instruments (budget support conditionality, program requirements, project components); and
- **Sustaining this support during the law's implementation phase.** As an active participant in the G-16 and chair of its Transparency Roundtable during the time the bill was under discussion, the Bank supported the policy debate in a number of ways. This was the result of a combination of several factors:
 - **Envisioning access to information as an operationally relevant issue in Honduras.** The Bank's Governance Strategy Note identifies transparency and accountability as crosscutting issues across the portfolio. It was understood that if approved, the law could serve as an entry point for enhancing the accountability of public institutions, and advancing other PSM reforms; and it was placed at the top of the country dialogue agenda.
 - **Assistance to stakeholder and policy dialogue.** The Bank provided assistance to civil society actors as well as to lawmakers on technical issues and international good practices, facilitating access to international networks and unblocking dialogue with veto players at critical stages of the process.
 - **Sustained support during the pre-approval and implementation phases through a combination of instruments:** Regional dialogues and national workshops; policy dialogue around the proposed Poverty Reduction Support Credit II; IDF grant for the IAIP; study tours to IFAI Mexico; social monitoring; and design of transparency indicators funded through various grants.
 - **Close collaboration among Bank units,** in particular County-Office staff, the Poverty Reduction and Economic Management (PREM) Department of LCR and the World Bank Institute (WBI).

The Road Ahead: Seizing the Momentum and Building a Pro-transparency Coalition

As this case illustrates, the policy-making process is dynamic and the interaction and political negotiations between the actors during policy discussion, approval, and implementation shapes the outcomes at each stage of the process. Rather than a single clear champion that sustained the momentum throughout the process, there were different actors that emerged at particular points and were driven by different incentives. The bottom-up process was key to placing the issue at the top of the political agenda and shaping the incentives of politicians competing for popular support. Recognition from the international ATI movement and support from the international community were also instrumental in providing personal incentives for champions seeking to leave a legacy behind. The positive incentives offered by different donor instruments helped increase the rewards for reform vis-à-vis the political risk of confronting powerful vested interests. Strategic interventions at different moments in the process were also key to unblocking policy discussions, overcoming resistance from veto players, and generating a positive dynamic among actors.

2. LEARNING FROM THE MEXICAN EXPERIENCE

Mexico's experience in access to information implementation is considered international good practice and provides significant lessons for other countries at various stages of implementation. With support from the UK Government's Department of International Development (DFID), a series of workshops were held that brought together countries to share experiences. The first of these events, on "Lessons Learned on Access to Information Implementation" took place in Mexico City, on October 22-25, 2007. Government officials responsible for ATI implementation as well as representatives from government and civil society from Argentina, Dominican Republic and Honduras participated in the event co-organized by the World Bank's Latin America and the Caribbean Region (LCR) Public Sector Group, the World Bank Institute and Mexico's Federal Institute for Access to Information (IFAI).

The objectives of the workshop were: i) to expose the three delegations to the achievements and challenges that Mexico has experienced in the adoption and implementation of ATI legislation; ii) to facilitate the dialogue between access to information practitioners—within government institutions and civil society organizations— in Argentina, Dominican Republic and Honduras, to develop feasible short-term action plans to advance implementation of ATI legislations; and iii) to establish a regional peer learning network and promote signing of cooperation agreements with IFAI.

The event included several presentations by IFAI's Information Commissioners and Directors; a breakfast meeting with members of the Mexican Congress and Access to Information Commissioners of different Mexican States aimed at examining a wide range of experiences; an event in Congress where the handbook on Good Practices was submitted, attendance at an IFAI's commissioners weekly public deliberation forum; a lunch meeting with members of the Supreme Court on transparency of the judicial branch; meetings with Mexican civil society organizations; visits to ATI units in various government agencies; and a working session at the World Bank office in Mexico where each delegation developed an action plan to advance ATI in their countries.

Several outcomes can be highlighted. First, the ATI practitioners from the three delegations gained a clear understanding on how Mexican legislation and the IFAI operate and the challenges ahead for the implementation of the law at the Federal and State level. In addition, links between IFAI and the three delegations were strengthened, leading to bi-national cooperation agreements. The three delegations developed action plans to be implemented by the participant institutions and identified good practices from the Mexican case that could be replicated in their respective countries, such as the electronic information request system and the transparency portal for disclosing information without previous request. Finally, all participants agreed to organize dissemination events, upon return to their countries, to present the outcomes of this workshop and to foster ATI implementation.

A second workshop, "Lessons Learned on Access to Information Implementation", took place in Mexico City, from April 21-24 2008. While the August 2007 visit involved all 3 Honduran Commissioners, this second visit involved technical staff together with information officers from line agencies mandated by the new law. This not only contributed to furthering the dialogue initiated in 2007 between the two ATI oversight bodies' heads (IFAI and IAIP commissioners) but also to deepen the dialogue's scope among mid-level staff from both institutions.

In addition, it helped bring the staff from the oversight body (IAIP) together with staff from mandated agencies. Both events helped build not only individual but also organizational (staff at different levels within IAIP) and institutional (dialogue and cooperation between IAIP staff, information officers in line agencies, civil society organizations and media) capacities.

Aside from the Honduran Government officials responsible for access to information implementation, representatives from government and civil society from Bangladesh also joined the event which included a visit to Cuernavaca, where participants were able to learn about an ATI experience that faced serious challenges and which was resourced at similar levels to those found in Honduras, as opposed to the Federal (IFAI) situation.

This collaboration continued recently when Honduras's IAIP organized its "Jornadas de Transparencia" in August 2008) Mexico's IFAI officials were invited to participate as part of the cooperation initiated in the previous year.

CONCLUSIONS

As new oversight institutions are created and ATI legislation gets passed in LAC it will be crucial for the Bank to provide assistance and build the capacity of the new Commissions. The importance of the Commissions and of ATI to the larger goals of the Governance and Anti-corruption agenda reinforce the need for the Bank to remain actively engaged with this community and continue its convening and knowledge brokering role. Additionally, as the Honduran case illustrates involvement in passage, and now implementation, not only serves as a learning experience for civil society in terms of advocacy and lobbying, but it also showcases the tremendous "proposal capacity" that civil society possesses. As the implementation and oversight process moves forward in Honduras, civil society will continue to be a crucial partner. Already, through the partnership of the CNA and the newly created Network for Transparency (RETHO), a project is being carried out, with support from the WB and DFID, to assess implementation. It is clear that in Honduras, as is the case elsewhere, a truly comprehensive approach, that involves a broad scope of stakeholders and addresses both the supply and demand sides of information, will move this issue forward and bring with it the benefits of transparency and information.

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