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## REGIONAL DIALOGUE

# Advancing Access to Information in MNA: Supporting Coalitions & Networks

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### **ATI-MNA NEWSLETTER, FIFTH ISSUE!**

Happy 10<sup>th</sup> International Right to Know Day (RTK Day). This issue focuses on RTK Day events celebrated throughout the four ATI Regional Dialogue countries. A lot has been accomplished during recent months, and the RTK Day celebration in Amman, Beirut, Rabat, and Tunis set the tone for further efforts around ATI in the region.

In addition to featuring the RTK Day celebrations, this issue presents a reflection on progress made as well as strategies and activities other countries have undertaken to advance ATI. We hope that this will inspire practitioners working toward effective ATI in the MENA region. This issue also reports on recent developments in ATI legislation in Jordan, and provides highlights from an ATI conference in Casablanca.

The Regional Dialogue offers other online resources, materials, and news in Arabic and English on the initiative's Facebook page. Please like the page, add it to your subscription list, and share your content with us.

We welcome any comments, questions, and information you wish to share. Finally, we would like to thank practitioners and organizations that are sharing the ATI-MNA Newsletter on your websites and e-mail lists; please continue to do so!

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future events or suggestions, please**

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## **THE ATI REGIONAL DIALOGUE IN MNA CELEBRATES INTERNATIONAL RIGHT TO KNOW DAY**

September 28, 2012 was the 10<sup>th</sup> International Right to Know Day (RTK Day). A network of freedom of information advocates, FOIANet, created this initiative as a means to sensitize global decision makers and diverse stakeholder groups about the importance of Access to information (ATI) for citizens. Every year since its launch, RTK Day has garnered increasing support from civil society organizations (CSOs), government agencies, and international organizations working on transparency, accountability, and ATI.

Through the Regional Dialogue on ATI, partners in Jordan, Lebanon, Morocco and Tunisia implemented two types of events in recognition of RTK Day. Conferences provided an arena to discuss how to move the ATI agenda forward appropriately, either by promoting formulation and adoption of ATI laws, or by enhancing their implementation. Social events helped to sensitize the general public about the importance of ATI and how citizens can use ATI laws to ensure their economic and social rights. Social events and other initiatives included concerts, plays, essay contests, and surveys.

### **Jordan**

The Amman Center for Human Rights Studies (ACHRS), the local partner of the Regional Dialogue, organized a seminar: *Reflecting on the Implementation of the Jordanian law to Guarantee the Right of Access to Information*. This September 30<sup>th</sup> event was organized under the Patronage of His Excellency Samih Maaytah, the Information Minister of Jordan. Representing the Information Council, Mr. Mohammed Younis al-Abadi presented the achievements of the law to guarantee the right of access to information in Jordan. Mr. Yahya Shukkeir presented a set of proposed amendments that would bring the Jordanian law into conformity with international standards. After the two presentations, discussion emphasized the importance of amending the existing law and identified how civil society could contribute to the public debate and move the ATI agenda forward in Jordan.



**Seminar: Reflecting on the Implementation of the Jordanian Law to Guarantee the Right of Access to Information**

Additionally, the event included a ceremony to announce the winners of an essay contest in celebration of RTK Day. The essay contest targeted law and journalism students, challenging them to write about the benefits of the Jordanian law to guarantee the right of access to information. Finally, ACHRS launched a campaign featuring promotional materials such as t-shirts, caps, stickers, and other items to get the word out about the importance of the law.



## Lebanon

The Lebanese Transparency Association (LTA) launched a series of activities celebrating RTK Day in collaboration with several other Lebanese CSOs. Activities were agreed at the ATI Regional Dialogue workshop in Marseille.

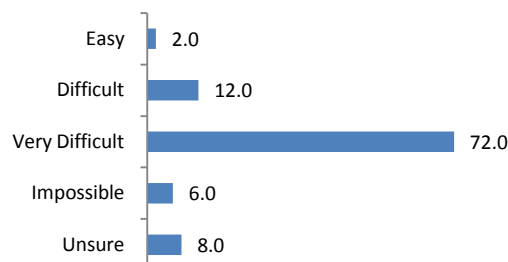
LTA and its coalition partners reached out to politicians in an effort to reinvigorate national attention to ATI. A law drafted in 2009 has not yet been enacted; the group's goal was to get the law back on the Parliament's schedule. To this end, LTA organized an ATI conference on September 20 in the Lebanese Parliament recognizing RTK Day. The conference gathered together a number of MPs along with several CSO representatives; the event was widely covered by the national media.<sup>1</sup>

Additionally, LTA commissioned a brief assessment investigating awareness of ATI<sup>2</sup> that was conducted in August 2012 in various regions in Lebanon. Its results will inform LTA's and partners' advocacy efforts. One key finding was that 72% of the professionals interviewed consider accessing public information to be very difficult.

<sup>1</sup> <http://bit.ly/P59kfg>  
<http://www.nna-leb.gov.lb/newsDetail.aspx?categ=politics&id=439773>  
<http://www.almarkazia.net/Miscellaneous.aspx?ArticleID=68677>

<sup>2</sup> For the survey report on Access to Information in Lebanon, September 2012, see <http://www.ldn-lb.org/UserFiles/ATI%20Report%20in%20Lebanon%20and%20Bill%20of%20Right-Sept%202012-LTA-Carthage-Final.pdf>

Figure 5: Professionals' Opinions on the Difficulty/Easiness of Accessing Information



Finally, LTA and the Maharat Foundation organized a series of workshops for journalists and media professionals to discuss the importance of enacting ATI legislation in Lebanon, and illustrate how ATI laws can strengthen the media's ability to do its work.

## Morocco

The Moroccan Network for Access to Information in collaboration with Transparency Morocco (with the support of the Regional Dialogue on ATI and the UNESCO office in Rabat) organized events on September 28 - 29 to celebrate RTK Day. The first event was a conference featuring national experts from different stakeholder groups called, The Involvement of Civil Society in Shaping ATI Law.

Additionally, an artistic evening in partnership with Aquarium Theater celebrated RTK Day with music and a play to showcase the importance of ATI for citizens.





## Tunisia

National organization TOUENSA organized a round table in Tunis on September 28 to discuss the importance of effective ATI implementation in Tunisia and its relevance for developing democratic and transparent institutions. During the round table, national and international experts shared insights into how the government and CSOs could develop a strategy for implementing the ATI legislation passed in 2011.



The Morocco team also launched a publicity campaign on the Internet and local radio, featuring a video on ATI:

<http://www.youtube.com/watch?v=Z4G4CDjGUbY&feature=plcp>



During the round table, TOUNESA and the OpenGovTN group launched the website [www.7ell.tv](http://www.7ell.tv), promoting a video contest on ATI.

Stakeholders will follow up on the success of RTK Day events by planning more in-depth activities to continue to move forward an effective ATI regime in each of the four countries.

## REFLECTIONS ON THE 10TH INTERNATIONAL RIGHT TO KNOW DAY

By LYDIA MEDLAND<sup>3</sup>

### Now and Then: Reflections on a Decade

I cannot claim to have been present ten years ago in Sofia, Bulgaria, when Right to Know Day was first launched by a group of about 30 advocates for human rights and freedom of information. Ten years ago, I hadn't even heard of the concept of Freedom of Information. This is no surprise, perhaps, as my own country, the UK, had yet to establish a Freedom of Information law and the legal "right to know."

The first Right to Know Day wasn't the only significant accomplishment from that meeting in Sofia on September 28. On that day, the same group of advocates established an international network, the Freedom of Information Advocates Network (FOIANet), which I have been coordinating for the last four years.<sup>4</sup>

Although we at FOIANet have started taking stock of our accomplishments over the last decade, we cannot forget the here and now. Everyone advocating for freedom of information in their country is part of the Right to Know community, whether they just heard about the idea yesterday or in 1766.<sup>5</sup> This community has evolved significantly from its beginnings 10 years ago.

### An Expanding Right and Expanding Diversity of Advocates

In 2002, only 40 countries legally recognized the right of access to information. Over 10 years, this figure has more than doubled; currently, 93 countries recognize national access to information laws.<sup>6</sup> There have also been

important developments at the international level. The UN Human Rights Committee<sup>7</sup> recognizes information as a human right as do decisions at the Inter-American Court of Human Rights and the European Court of Human Rights. That this right has been recognized both by laws and in the courts to such a significant extent is in large part thanks to advocates who have pushed hard for such protection and recognition.



*Right to Know Meeting, Sofia, Bulgaria, 2002*

The group of close to 20 organizations that founded the FOIANet has now grown beyond 200 member organizations. FOIANet has also developed in more than just numbers; while the majority of the founding members came from European countries, the movement is now truly global. Furthermore, it is no longer only civil society groups who promote Right to Know Day every September 28<sup>th</sup>; a great diversity of organizations were involved in the 10th Right to Know Day. This is important because right to know is a fundamental human right that belongs to everyone, not just those that campaign for it. It should be recognized and celebrated by the citizens who may need to use it, public servants that put it into practice, officials such as ombudsmen and information

<sup>3</sup> Research Coordinator & Campaigns Coordinator, at Access-Info Europe, and Secretariat for FOIANet

<sup>4</sup> [www.foiadvocates.net](http://www.foiadvocates.net)

<sup>5</sup> The first law recognized as a right to information law was Sweden's Freedom of the Press Act passed in 1766.

<sup>6</sup> [www.rti-rating.org](http://www.rti-rating.org)

<sup>7</sup> See UN Human Rights Comité, July 2011 in General Comment Number 34 <http://www2.ohchr.org/english/bodies/hrc/comments.htm>; see the Claude Reyes v. Chile case, <http://www.corteidh.or.cr/casos.cfm?idCaso=245&CFID=1026593&CFTOKEN=83909938>; see the Hungarian Civil Liberties Union against Hungary case: [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?#%22dmdocnumbre%22:\[%22849278%22\],%22itemid%22:\[%22001-92171%22\]](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?#%22dmdocnumbre%22:[%22849278%22],%22itemid%22:[%22001-92171%22])

commissioners that oversee and enforce it, and professors that teach about it.

In this vein, progress in promoting the right to information this year was evident in the range of innovative activities, from civil society-led actions to inform citizens held on the streets, to events held inside parliaments. In some cases, key alliances are being made between groups and institutions that play different roles in the promotion and enforcement of the right to know. For example, the European Ombudsman



*Right to Know Day Celebration in Nepal, 2012*

for RTK Day has organized events for the past three years in which civil society organizations such as Access Info Europe<sup>8</sup> have been main participants.<sup>9</sup>

In Romania, a “ride for information” was organized this year with cyclists and advocates circulating sample information requests and promotional stickers to passersby.<sup>10</sup> In Kiev, Ukraine’s capital, the fruits of an “Open Access” photography project involving 22 journalists were displayed in the city’s main street in order to raise awareness about censorship and access to information.<sup>11</sup> In Canada, the Information Commissioner used the social media platform Twitter to launch a dialogue with citizens.<sup>12</sup> Even the U.S. Department of State released an impassioned blog post about the need

for more civil society involvement, particularly in committing to and realizing action plans for increased transparency.<sup>13</sup>

### Right to Know Day Around the World

Today, some of the strongest calls for the right to information come from regions outside of Europe. South Asia, for example has experienced a notable groundswell. Of the nearly 100 participants in the international “I have a right to know!” photography contest, FOIANet received more entries from India than from any other country.<sup>14</sup> The photographs are a fascinating window into the activity, energy, and enthusiasm for the right to information in this country. The 2<sup>nd</sup> and 3<sup>rd</sup> place winners in the contest were from India; the winner, shown below, came from Madagascar.



*"The other access" by Ranaivosoa Tolojanahary, Antananarivo, Madagascar*

In recent years, a variety of groups in Latin America, Sub-Saharan Africa, and the Middle East and North Africa have held many events for RTK Day. Because of their breadth and diversity, it is difficult to capture a holistic picture of all the activities that advocates undertake, such as events, publications, and dialogues.

However, within such diversity a common vision is evident: the events all have the same goal of getting citizens, civil society groups and decision makers to reflect and act upon the issues of transparency and accountability.

<sup>8</sup> [www.access-info.org](http://www.access-info.org)

<sup>9</sup> <http://www.ombudsman.europa.eu/en/activities/calendarevent.faces/en/660/html.bookmark>

<sup>10</sup> [www.nuvasuparati.info](http://www.nuvasuparati.info) and [www.facebook.com/NuVaSuparati](http://www.facebook.com/NuVaSuparati)

<sup>11</sup> <http://newcitizen.org.ua/>

<sup>12</sup> [http://www.oic-ci.gc.ca/eng/media-room-salle-media\\_news-releases-communiqués-de-presse\\_2012\\_7.aspx](http://www.oic-ci.gc.ca/eng/media-room-salle-media_news-releases-communiqués-de-presse_2012_7.aspx)

<sup>13</sup>

[http://blogs.state.gov/index.php/site/entry/open\\_government\\_international\\_right\\_to\\_know\\_day](http://blogs.state.gov/index.php/site/entry/open_government_international_right_to_know_day)

<sup>14</sup> <http://www.foiadvocates.net/en/component/content/article/35-home/345-photo-contest-winners>



Coming to the end of this reflection on 10 years of progress, it is worth mentioning that FOIANet launched a statement this year on Right to Know Day called 10-10-10.<sup>15</sup> The statement documents 10 achievements, 10 challenges, and 10 goals for FOIANet, to take stock of where we have come so far and shape a path for the future. All freedom of information advocates should feel a real sense of pride to be part of a movement that has evolved so much and has such a great future ahead of it.



Link to the Transparencia Video:

<http://info.worldbank.org/etools/docs/chvideos/transparencia.html>

### **Song: Transparencia**

*I have one word to say  
Against your secret ways  
Against the doors you close  
To hide away what's ours  
I have one word to say against your greed and secrecy*

#### *Transparencia*

*If you could understand  
The struggles of our days  
To keep the thirst at bay  
To keep all children safe  
If you could understand what we really need to know*

#### *Transparencia*

#### **Chorus:**

*Tell me something / that is worthwhile  
Share decisions / open budgets*

*It is not about your gifts  
That come in little drops  
It is all about the right  
To know what is being done  
It is all about our voices and the choices that we make*

#### *Transparencia*

#### **Finale:**

*Tell me of the road you made that failed to make it home  
Were there extra costs incurred to bring it to your door*

*What about the clinic where the doctor's never in  
And the school whose roof won't stop the rain from pouring in*

*It is time for you to know you cannot rule the land  
If you don't allow the people to give you a hand*

Concept: TM & JPGA

Words and music: Juan Pablo Guerrero Amparán, Mexico

<sup>15</sup> <http://www.foiadvocates.net/en/component/content/article/38-resources/346-10-10-10-statement-adopted>



## STRATEGIES TO ACHIEVE CITIZENS' RIGHT TO INFORMATION AROUND THE WORLD

BY CAROLE EXCELL<sup>1</sup>

All citizens should have the right to know how government officials are using their power, what decisions are made on their behalf, and how taxpayer dollars are spent. Without reliable access to information, people—especially those who are vulnerable and living in poverty—are more susceptible to social and environmental injustices.

The goal of International Right to Know Day is to raise awareness of every individual's right to access government-held information. The day also recognizes civil society's efforts to advance the Right to Information (RTI). The 10th anniversary of International Right to Know Day is a good time to reflect on some of the approaches that have helped move RTI forward.

I recently spoke on this topic at a workshop organized by the World Bank Institute, which is working with various stakeholders, including civil society, in Jordan, Lebanon, Morocco, and Tunisia to support their efforts to build momentum for a stronger RTI framework in the region. Here are some of the strategies and initiatives that were discussed at the event:

### Strategies

The global movement promoting the right to information was built on forward-thinking strategies, including:

1. Sharing experiences—specifically on the passage, implementation and enforcement of RTI laws—by civil society activists has helped to promote good practices in other countries. A number of global and regional initiatives facilitate knowledge sharing among advocates, such as [FOIANet](#) and [Alianza Regional](#), [South Asian Right to Information Advocates Network \(SARTIAN\)](#) and [AFIC](#).

2. International [RTI law ratings](#) developed by the Center for Law and Democracy and Access Info Europe, and [model standards](#) created by Article 19 and others, provide civil society with sound reference points to push for more effective laws.
3. Transparency awards to government agencies can shine a spotlight on the need for reform of agencies' internal mechanisms. [Bulgaria](#) and [South Africa](#), among other countries, have used the technique of granting awards.



*AIP Executive Director Gergana Jouleva presents the 2012 Golden Key Award for the Municipality of Dobrich*

4. Civil society groups in Armenia ([Committee to Protect Freedom of Expression](#)), Azerbaijan ([Media Rights Institute](#)), Bulgaria ([The Access to Information Program](#)), Cyprus ([The Institute for Development of Freedom of Information](#)), Georgia ([The Institute for Development of Freedom of Information](#)), Russia ([The Institute for Information Freedom Development](#)), Ukraine ([Regional Press Development Institute](#)) and the United States ([Sunshine Review](#))—to name a few—now use [Website audits](#) to promote proactive release of information.

<sup>1</sup> Carole Excell is a Senior Associate at the World Resources Institute working on Access to Information, Public Participation, and Access to Justice around the world.



5. New tools have been created to identify indicators for proactive disclosure of information and government data. For example, [Youth for Social Development](#) in India has developed a proactive monitoring tool. The [World Resources Institute](#) is creating lists of priority datasets that Governments should release proactively without a request. These datasets contain vital information on forests, minerals, oil, water, and the environment.
6. The Carter Center has developed a framework to assist in conducting [institutional assessments](#) of individual government agencies' capacities to implement RTI laws.
7. In many countries, people can now use internet-based tools and templates to make freedom of information requests: [Alaveteli](#) (across multiple countries), [WhatDoTheyKnow.com](#) (U.K.), [Reporters Committee for Freedom of the Press](#) (U.S.), as well as [track requests](#) and [share](#) the information received.



8. Access Info Europe and the Open Society Institute have designed ATI request monitoring protocols to help citizens test governments' abilities to respond to freedom of information requests (see for example [The 6 question campaign](#) run by the International Budget Partnership). These protocols provide rules for making requests consistently, and recording responses and timelines so that citizens can assess a government's performance in responding to RTI requests.
9. Civil society has engaged in dialogues to promote the development of [Model laws](#) by the Organization of American States and the African Union that can guide governments in developing new national RTI laws.
10. [Open the Government](#), a civil society campaign for increased transparency, has sought to measure executive branch [secrecy](#) in the United States. In [South Africa](#) they have released the [Top 10 secrets campaign](#) to provoke dialogue on how the new Secrecy Bill would restrict access to critical government information currently released under their RTI law.
11. The use of locally relevant issues as entry points to engage communities in using their right of access to information has resonated in many countries. Advocates have built communities' capacity to use right to information laws to conduct advocacy

demanding increased transparency in decision-making on education, health care, budgeting, the environment, and access to social services; for example:

- In [Bangladesh](#), communities are using the right to information to request entitlements for vulnerable families.
- In [Thailand and Indonesia](#), communities have used RTI laws to obtain information on pollution affecting rivers that communities use for bathing and cooking. They have also demanded information on air pollution from coal power plants, in turn supporting more effective advocacy for cleanup of their communities.

12. Civil society has also used multimedia strategies including culturally appropriate and impactful songs, videos, and cartoons to raise awareness about RTI.

- **Songs:** RTI songs have been successfully used in RTI campaigns in [Bangladesh](#), with lyrics written to explain the country's Right to Information Act. Armenian organizations produced [an RTI song](#), "Give Me Info," to celebrate 2011's Right to Know day.
- **Cartoons:** Journalists have used cartoons to raise awareness of RTI developments in numerous countries, including the [United States](#), [New Zealand](#), and [Pakistan](#).



- **Videos:** RTI coalitions and networks have used videos to highlight the importance of the right to information. Some examples include:

- Morocco – The "[No More Pacifiers](#)" video aims to change perceptions about the right to know.
- Mexico – "[Subsidios al Campo](#)" seeks to promote transparency and accountability in government funds and farm subsidies allocations.
- Kenyan groups use "[It's Our Money. Where's it Gone?](#)" to demand more openness about government spending.
- South Africa – "[The Right to Know – The Fight for Dignity in South Africa](#)" puts RTI in the context of social and economic rights in South Africa.
- Indonesia – "[Implementation of the right to know](#)" highlights the importance of civil society to use the new Indonesian RTI law.
- Global – "[Sunita – The importance of access to information](#)" underscores the importance of Principle 10 of the Rio Declaration in the environmental transparency movement.

### Progress made, but a long road ahead

We've certainly come a long way on the road to RTI. In fact, 5.5 billion people now live in countries with RTI laws in place. However, we still have a long way to go before all communities have access to information and proactive release of information is the norm. To that end, it is important that civil society groups and citizens continue using the strategies outlined above and keep adding to the list. There is still even a basic need to ensure the passage of RTI laws in many countries (especially in Africa and the Middle East) and ensure that the right is enjoyed in practice in others. It is most encouraging that innovation in this area abounds. In this context, the International Right to Know Day should be about celebrating successes as well as developing a deeper commitment that countries not only adopt a RTI law, but also ensure that in practice citizens become more informed and globally engaged.

## DEVELOPING CAPACITIES TO EXERCISE THE RIGHT OF ACCESS TO INFORMATION IN VULNERABLE COMMUNITIES: THE EXPERIENCE OF THE *COMUNIDADES* PROJECT IN MEXICO

BY MAYLÍ SEPÚLVEDA<sup>17</sup>

Over the past ten years, Mexico has made significant progress in ensuring government transparency and citizens' right to information. Transparency organizations have undertaken outreach campaigns, as well as taught courses to entrepreneurs, journalists, students, and non-governmental organizations. These measures have made a large segment of the educated middle class in urban areas aware of the law on transparency and access to public information, as well as of institutions responsible for monitoring its enforcement. However, a decade after the adoption of the law, there is still a significant segment of the population unaware of this right and how it can be used for their benefit. In Mexico, media outreach campaigns have not promoted the exercise of the right of access to information among the most vulnerable groups.

The *Comunidades*<sup>18</sup> Project targeted vulnerable communities, who face the greatest challenges to exercising their basic rights. Its purpose was to support citizens so that they could exercise their right to information, ultimately as an access to other rights. Government information acquires meaning and utility for communities if they learn to use it to demand that governments fulfill the obligation to guarantee other basic rights such as health care, decent housing, and a healthy

environment. A task of this magnitude was possible only in partnership with local organizations already working in vulnerable communities. These organizations formulated appropriate engagement and negotiation strategies so that community interaction with government authorities would be based on laws rather than on cronyism or confrontation.

The *Comunidades* Project did not intend to interrupt the work of local organizations to disseminate information about the law on transparency. On the contrary, one of the merits of the Project was that addressing the real problems of the population was central to the initiative. The Project took advantage of the mobilization, advocacy, and dialogue capacities already existing within the organizations. Therefore, a key criterion for selecting partner organizations was that they were fully aware of the problems of the people with whom they worked and in a position to help that community identify the government actions that were needed to address these problems. Each organization made an effort to ascertain which government institution was in charge of addressing a given problem, investigate whether or not there were public resources for this purpose, assess the effectiveness of the corresponding government program, pinpoint actions that citizens could take to ensure that the program really reached the target population, and identify who was responsible for making decisions. This approach was intended to empower citizens to participate in decisions addressing their most pressing needs, using government information as a tool.

<sup>17</sup> Maylí Sepúlveda Toledo was the Director of Engagement with Organized Society at IFAI and the Operations Coordinator for the *Comunidades* Project. She has been an external consultant for public and private Mexican institutions as well as international organizations such as the William and Flora Hewlett Foundation, the World Bank, the International Budget Partnership, and the United Nations Development Program.

<sup>18</sup> The *Comunidades* Project was an initiative spearheaded by the Federal Institute of Access to Public Information of Mexico [Instituto Federal de Acceso a la Información Pública - IFAI] between August 2005 and December 2007, under the auspices of the William and Flora Hewlett Foundation. More information:

[http://www.derechoasaber.org/data/arch\\_publ/a\\_TheRighttoInformationforMarginalizedGroups-TheExperienceofProyectoComunidades.pdf](http://www.derechoasaber.org/data/arch_publ/a_TheRighttoInformationforMarginalizedGroups-TheExperienceofProyectoComunidades.pdf)



The *Comunidades* Project therefore became a civic process that created the conditions for citizen advocacy in public affairs through legal channels. The role of local organizations was pivotal, especially because learning to use the tools and procedures for accessing public information is a complex task. Citizens have to know how the government works (at the federal, state, and municipal levels), who to ask for information, how to ask for information, and what the information will be used for. This process is facilitated when a trusted organization advises and supports people in analyzing and using the newly acquired information.

For example, the organization Guardianes de los Volcanes had been working with marginalized communities living in the foothills of Popocatepetl, an active volcano near Mexico City. Over several years, this organization engaged the population in developing the region's environmental management plan, the document that guides government decisions to preserve environmental balance. The main problem for the population in this zone is a shortage of water, owing to overexploitation and overbuilding on agricultural land.

When Guardianes de los Volcanes agreed to participate in the *Comunidades* Project, the organization integrated the issue of access to information into the work it was doing conducting workshops with the men and women residing in the zone, some of whom were barely literate. In early sessions, the organization explained how the region's

water resources were being depleted. In sessions that followed, local and national government officials were invited to describe how they granted permits for drilling wells, and explain the implications of environmental impact studies. Subsequently, officials from the Federal Institute of Access to Public Information (IFAI) were invited to demonstrate how to submit an information request to obtain the list of people who have permits to drill wells and

how to then verify the quantity water they are authorized to extract. They also explained how and who could be asked for environmental impact studies, so that citizens could ascertain whether the relevant permits had been obtained for new construction activities.

This example illustrates how an organization with local experience and recognition provided the appropriate methodology to work with the community; the *Comunidades* Project provided institutional support.

Marginalized communities are typically characterized by a strong political culture of skepticism and mistrust, and citizens are often fearful of

exercising their rights. For these reasons, it was an effective strategy for the *Comunidades* Project to partner with local organizations that the community trusted and which, in turn, had the capacity to establish regional and national networks to strengthen their advocacy with traditional authorities.

### **Key Messages**

*Conducting workshops or outreach campaigns does not ensure that vulnerable communities will exercise the right to information. Partnering with locally-based organizations to reach out to vulnerable communities helps to broaden the base.*

*There are challenges in selecting intermediary organizations. Simply identifying NGOs working on the ground can be difficult, since most provide services or support social mobilization but do not advocate for transparency. Also, in some instances, there are close ties between grassroots NGOs and powerful local groups.*

*It is important to communicate with vulnerable populations through stories that link the use of the right to information with community members' everyday issues instead of focusing on government mismanagement and corruption.*

*Institutional change—the Access to Information Law—must be transformed into social change if it is to have an impact across all populations.*

## **RECENT DEVELOPMENTS: JORDAN**

### **MODIFICATIONS TO THE RIGHT TO INFORMATION ACT**

*By Yahia Shukkeir*

In early September, the Jordan Council of Ministers approved a draft law modifying the 2007 Right to Information Act.

This draft law comes after a collective demand to facilitate access to information and allow non-Jordanians to access needed information, in accordance with signed agreements confirming this right.

The draft law also strengthens the representation of civil society in the Council of Information. To ensure more transparency, the law stipulates that implementation of the Right to Information Act will be reported to the Prime Minister, the House of Representatives, and the Senate.

Membership in the Council of Information has been revised to include the General Director of Press and Publications Department, the President of the Jordanian Lawyers Association and the President of the Jordanian Journalists Association.

The Council of Information membership includes the Minister of Culture (who is president of the Council), the Information Commissioner, the Secretary General of the Ministry of Justice, the Secretary General of the Ministry of the Interior, the Director General of General Statistics, the Director General of the National IT Center, the Director of Moral Guidance in the Armed forces, the Commissioner General for Human Rights, among others.

The draft law grants non-Jordanians the right to obtain the information they request if they have a legitimate interest or a legitimate reason. The condition of "legitimate reason and legitimate interest" is part of the current law, and it is

worth noting that this condition has generated challenges for ATI implementation during the last five years.

The new draft law only targets the same government agencies that are currently subject to ATI. However, many stakeholders argue that the Right to Information law should be expanded to include private institutions financed by the government.

Additionally, the provisions of the draft law stipulate that the official in charge must provide or refuse an information request within 15 days. The draft law allows the requester to submit an appeal to the Council of Information within the next 15 days (previously 30 days) if the request is denied. The Council must then issue a decision on an appeal within 15 days. If denied, the requester has the right to appeal to the Supreme Court within 60 days of the Council's decision.

These modifications, while they constitute a step in the right direction, are not sufficient to bring the law to international standards. Further reforms are needed to ensure the Right to Information.

An important limitation to the effectiveness of the law is that the Right to Information Act does not supersede any other existing legislation currently in force. The Protection of State Secrets and Documents Provisional Law number 50 of 1971, still in force, is the biggest obstacle to ensuring the legal Right to Information.

Amending the law to conform to international standards should be a national objective for Jordan. This will enable ordinary citizens to access information so they can make better decisions and take part not only in elections but also in decision-making more broadly, including fighting corruption, determining access to water and electricity, and other critical areas.

## **THE QUEST TO OBTAIN A DRAFT LAW (ABBREVIATED VERSION)**

*Oraib Al Rantaoui<sup>1</sup>*

Recently, I asked two colleagues who work for the Jordanian Media Monitor to provide me with an official copy of the new modifications suggested by government on the Right to Information law. Even after reading about the draft law in the media, I wanted to review the original text of these modifications.

My quest began on September 17<sup>th</sup>. I tried to find the document on government websites, in the legislation bureau, and in related institutions, but I came up with nothing.

On September 18<sup>th</sup>, a colleague called the legislation bureau of the Prime Minister to request a copy of the modified law. An employee replied that the draft law had been moved from the Prime Minister's office and was no longer available in the legislation bureau.

The following day, this colleague called the Ministry of Media Affairs and Communications to inquire about the document. They suggested going back to the legislation bureau. When she told them that she had already asked the bureau, they suggested that she call the Minister of Culture, who serves as president of the Council of Information.

On September 20, another colleague called the Ministry of Culture asking for the draft legislation, but a high-ranking official told her that they no longer had it and advised her to ask the National Library. She contacted the National Library. An employee there confirmed that the Prime Minister's office had not yet sent the document to the Ministry of Culture to be deposited at the national library, so of course, the draft law had not yet arrived.

Attempts were made again to reach the Prime Minister's office. After waiting some time, the secretariat called back and insisted that the draft law was indeed in the National Library. As Thursday is the start of the weekend, we postponed our quest for the modified law until the beginning of the following week, hoping that after all of the back and forth, we might finally lay our hands on it.

This story highlights three paradoxes.

1. The missing information we were chasing is new legislation regulating the Right to Information. The individuals that my colleagues contacted in pursuit of this information are the same individuals appointed to facilitate the search for public information and ensure that obtaining information is an efficient process.
2. The search took place just a week before International Right to Know Day.
3. The proposed modifications are meant to enhance the current text of the law. They propose to enlarge the membership of the Council of Information to include presidents of lawyers and journalists associations. The law also proposes to increase the number of people eligible to use the law while cutting in half the amount of time the government has to provide the information.

After finally obtaining and reviewing the proposed modification in its original form, I can say that the changes are not substantive, but they are certainly a step towards the right direction.

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<sup>1</sup> Director of Al Quds Center for Political Studies.

## **EVENTS AND ACTIVITIES IN THE REGION**

### **Past Events**

#### **International Conference on RTI in Morocco, Casablanca, September 21-22, 2012.**

*By Said Essoulami<sup>20</sup>*

Advocacy for the Right to Information (RTI) in Morocco has reached a new stage in its development; over 100 people representing government institutions, business, media, and civil society organizations gathered in a conference organized by the National Council for Human Rights in Morocco (CNDH)<sup>21</sup> held in Casablanca on September 21-22 to discuss international standards for RTI and the potential impact of RTI on other rights as well as on governance of state institutions, elected bodies, and private sector.

The issues debated reflect the new context of RTI in Morocco, which has been recognized in the new Constitution (Article 27) and highlighted by the establishment of an official commission mandated with drafting a new law. Conference panels focused on:

1. The general framework of a model law, public and private institutions covered or excluded by the law, the reuse of public sector information, and the relationship between RTI law and the law on the protection of privacy.
2. The impact of RTI law on the democratic process and respect for human rights, including the fight against corruption; strengthening freedom of expression and opinion; participation in public life; and the protection of human economic, social, and cultural rights.

3. Oversight mechanisms, which enforce and promote the right of access to information. Three models were discussed: Scotland, India and France.

4. The relevance of RTI to public and private institutions such as the Moroccan Parliament, the judiciary, local elected councils, and private enterprises acting in a public domain.

5. The future challenges facing government and civil society to successfully adopt and implement an effective RTI law.

A number of recommendations were issued. One recommendation emphasized the need for civil society groups to re-launch their national coalition; strengthen their legal expertise; and reach out to political parties, trade unions, NGOs, and other professional groups to raise awareness of the importance of RTI.

The government was also targeted, especially the inter-ministerial commission drafting the law. Another strong recommendation was that the commission open up to national independent experts. It appears that the commission is still undecided on two critical issues:<sup>22</sup> the nature of the oversight body and the overriding power of RTI law. On the first issue, some members of the commission are advocating that representatives of major ministries be represented in the oversight body. However, the presence of those representatives could jeopardize the commission's independence and create a conflict of interest when it processes complaints. The second issue is whether or not the RTI law should override all other legislation that imposes restrictions on access to information.

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<sup>21</sup> The conference was organized with the assistance of the Centre for Media Freedom in MENA (CMF MENA), which defined the topics for discussion and selected the international experts.

<sup>22</sup> According to a leaked first draft received by CMF MENA.



The Minister of Communication and Spokesperson of the Government declared in his opening speech to the conference that a draft RTI law will be ready in early 2013.

**“Prying Open the Black Box: Access to Information Takes its Next Steps in Tunisia”**

A blog post about the Right To Know Day celebration in Tunisia on September 28, 2012. Access the blog here:

<http://menablog.worldbank.org/prying-open-black-box-access-information-takes-its-next-steps-tunisia>

## **Regional Dialogue on Supporting Coalitions and Networking to Advance ATI in MNA**

One of the key pillars of the World Bank's (WB) support in the Middle East and North Africa region consists of strengthening the governance framework, working with both State and non-State actors. Efforts with non-State actors focus principally on opening government to the people, while strengthening the capacities of these actors to enhance transparency, public participation, and accountability.

In this context, the WB is supporting The Affiliated Network for Social Accountability – Arab World (ANSA-AW). ANSA-AW is a platform for constructive dialogue and knowledge exchanges on transparency and social accountability issues across multiple stakeholders. As part of its activities, ANSA-AW has held various regional workshops and consultations where access to information (ATI) emerged as a priority among participating countries.

To strengthen the capacities of stakeholders in the region to advance ATI reforms, the World Bank Institute and the Social Development Department at the World Bank's Middle East and North Africa Vice-presidency, in partnership with ANSA-AW are supporting the emergence of a regional community of practice focused on ATI issues through facilitating the Regional Dialogue on Supporting Coalitions and Networking to Advance ATI in MNA. In this first stage, Jordan, Lebanon, Morocco and Tunisia are participating; the second stage will bring opportunities to expand the Dialogue to other countries. Additionally, WB will support multistakeholder coalitions in participating countries. International experience demonstrates that multistakeholder coalitions have been key in sparking the demand for ATI while engaging with government in the drafting and passing of ATI laws. These coalitions can also play a crucial role in supporting effective implementation of ATI legislation. Furthermore, knowledge exchanges through the Regional Dialogue will contribute to strengthen the capacity of country coalitions.

The Regional Dialogue consists of a series of knowledge exchanges through videoconferences, as well as in-country sessions aimed at practitioners from both the supply and demand sides of ATI: civil society practitioners, journalists, academia, government officials, MPs, etc.

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